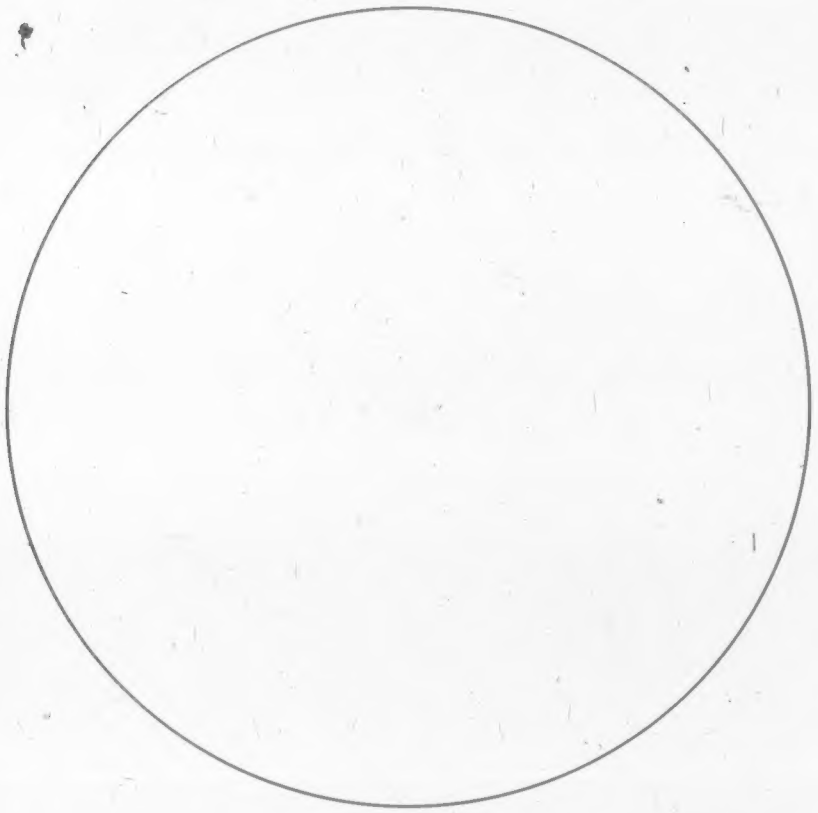
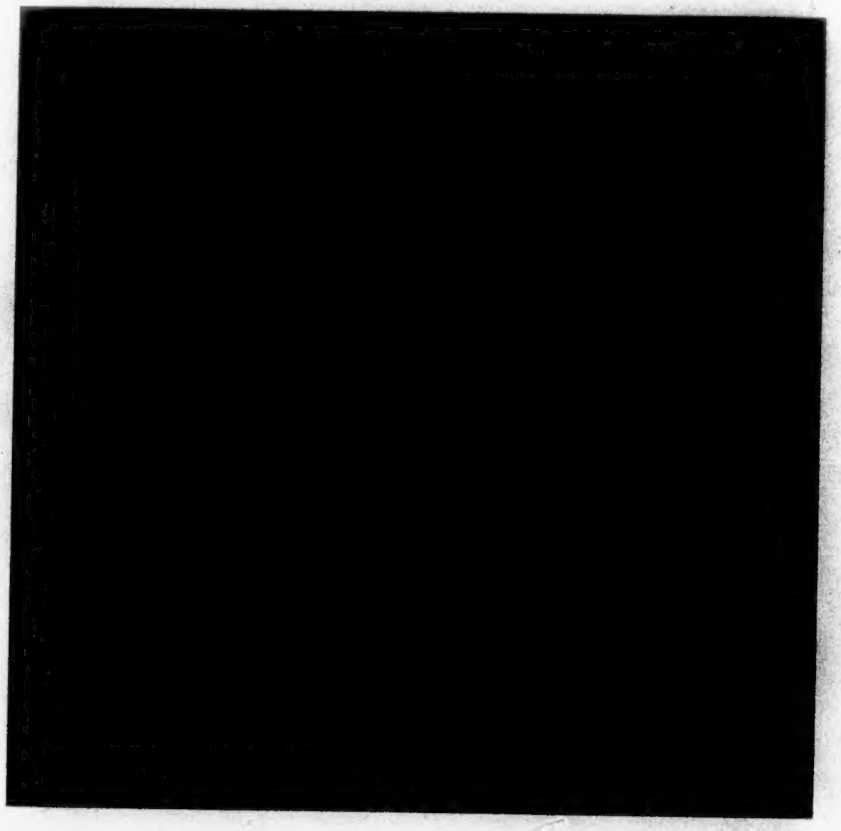
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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 258

CHEROKEE BY BLOOD 10760 - 10769

THE NATIONAL ARCHIVES
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WASHINGTON: 1983

Cher 10760

James Lowe

Trans. from D839

Cher 10760

Department of the Interior,
Commission to the Five Civilized Tribes.
Chelsea, I. T., November 20, 1900.

In the matter of the application of James Lowe for the enrollment of himself and children as Cherokee citizens; he being sworn by Commissioner C. R. Breckinridge, and examind by the Commission, testified as follows:

Q What is your name? A James Lowe.
Q How old are you? A 38 yearsold
Q What is your postoffice address? A Afton.
Q Are you a Cherokee by blood? A Yessir.
Q What degree of Cherokee blood do you claim? A 1/16.
Q For whom do you make application? A Myself and four children.
Q Not your wife? A I have no wife.
Q How long have you actually resided in the Cherokee Nation? A 16 years.
Q Have you been outside of the Cherokee Nation at any time within the past three years? A Only on a visit.
Q How long were you gone for any one time? A Two weeks.
Q What is the name of your father? A William Lowe.
Q Is your father living? A No sir.
Q What is the name of your mother? A Melvina.
Q Is she living? A Yes sir.
Q Was she a Cherokee by blood? A Yes sir.
Q Are you married? A I have been.
Q What was the name of your wife? A Mollie Knight.
Q Is she living? A She's dead.
Q Was she a Cherokee by blood? A No sir, she was a white woman.
Q Give me the name ofyour oldest child? A May Lowe.
Q How old is she A 18.
Q Next child? A Zelma.
Q How old is she? A 18.
Q Next child? A Roberta.
Q How old? A She's 10.
Q Next child? A Rosa.
Q How old is she? A 8.
Q All alive and living with yu at the present time? A Yes sir.
Q You're the father of all these children? A Yes sir.
Q Was your wife Mollie the mother of all these children? A Yes sir.
Q These children were all born in the Cherokee Nation? A Yes sir.
Q Always resided here? A Always resided here.
Q When were you married? A I was married in '87.
Q Have you any evidence of your marriage? A No, I have a certificate but not with me.
Q Where were you living at the time of your marriage? A Near Afton.
Q Were you married by a minister of the Gospel? A Yes sir.
Q Have you that certificate at home? A Yes sir, certificate from the minister.
Q When did your wife die? A In '96.
Q Did you live with her continuously up to the time of her death? A Yes sir.
Q Were you ever married before you married her? A No sir.
Q Was she? A No sir.
Q Were you ever admitted to citizenship by an act of the Cherokee National Council or the Cherokee Commission on Citizenship? A My mother was.
Q Have you any evidence of that fact? A You will find the papers filed with Elizabeth Jackson's papers.
Q What was your mother's name before she married your father? A Dawson.
Q Does your mother reside in the Cherokee Nation atthe present time? A No sir, she lives in Texas.
Q Did she ever reside here? A A few months in '85 or '86.
Attention is called to the document filed in the case of Lizzie Jackson et al, Cherokee Doubtful Card No. D-830, which document purports to be a certificate from John L. Adair, Executive Secretary

of the Cherokee Nation, certifying that sundry persons were admitted to citizenship on the 9th day of September, 1884, by the proper authorities of the Cherkee Nation. The document bears the seal of the Cherokee Nation. Among the parties who were admitted at that time appears the name of Malinda Dawson.
Q Is Malinda Dawson mentioned in this document as having been admitted to citizenship in 1884, your mother? A Yes sir, that's my mother; her name is Melvina. That is a mistake, her name is not Malinda.
Q It was a clerical error to insert her name here as Malinda? A Yes sir, it was an error; her correct name is Melvina.
Q When did you actually remove to and in good faith settle in the Cherokee Nation? A In the spring of '84.
Q You came to the Cherkee Nation before you were admitted to citizenship? A Yes sir, I came to the Cherokee Nation in '84 and was admitted in September, '84.
Q You ave actulally made this Nation your home continualy since that time? A Yes sir, been here ever since.
Q [illegible]
Q You own property in the Cherokee Nation? A Yes sir, a farm.
Q Any part of that farm under cultivation? A Yes, most all cultivated.
Q You derive any rent from that farm? A I get rent from it.
Q You don't cultivate it yourself? A No sir.
Q Did you draw money from the Cherokee Nation in 1894? A Yes sir.
Q Was that money paid direct to you? A Yes sir.
1896 roll: page 494, #1804, James Lowe, Delaware dist.
494, #1805, May Sue " "
494, #1806, Selma "
494, #1807, Roberta "
494, #1808, Rosa "

Cherokee Nation-
Comes now the representative of the Cherkee Nation and protests against the enrollment of said applicant and his family, alleging the applicant's mother obtained her admission to citizenship by fraud.

By the Commission-
The applicant applies for the enrollment of himself and four children as citizens by blood of the Cherkee Nation. He is identified upon the Census roll of 1896 as a native Cherokee, together with his chilren. He has made his home continuously in he Cherokee Nation since the spring of 1884. His children have also resided in the Cherokee Nation continuously since their birth. He and his children will be listed for enrollment as Cherokee citizens by blood. He presents satisfactory proof as to the admission of his mother to citizenship in the Cherokee Nation on the 9th day of September, 1884, her name at that time being Melvina Dawson. She was admitted, however, under the name of Malinda Dawson. The applicant was a minor at the time his mother was admitted to citizenship. The representative of the Cherokee Nation present protests against the enrollment of the applicant and his family for the reason that said Melvina or Malinda Dawson was admitted to citizenship in the Cherokee Nation through fraud. The applicant therefore, and his children will be placed upon what is known as a doubtful card, and when final judgment is rendered in his case, he will be notified in writing at his present postoffice address. The applicant will also be required to file with the Commission either the original or a certified copy of his marriage certificate, showing that he was married to his deceased wife, Mollie, a white woman, in 1887.

By Jobs

[illegible] daily sworn, affirm that an [illegible] Circular [illegible] is correct, to [illegible] the [illegible] and that the foregoing [illegible] complete statement of the [illegible] appears in said [illegible]

Subscribed and sworn to before me this 20th day of November, 1920.

Commissioner.

NOV 1900

Statement of Applicant Taken Under Oath.

- CHEROKEES BY BLOOD AND ADOPTION. -

38

Date NOV 20 1900 1900.

1 Name James Lowe Atlas J.T.

District DELAWARE. Year 1896 Page 494 No. 1804

Citizen by blood yes yes Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Martha Lowe

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

2 May Lowe Dist. DELAWARE. Year 1896 Page 494 No. 1805 Age 13

3 Zelma " Dist. DELAWARE. Year 1896 Page 494 No. 1806 Age 12

4 Roberta " Dist. DELAWARE. Year 1896 Page 494 No. 1807 Age 10

5 Rosa " Dist. DELAWARE. Year 1896 Page 494 No. 1808 Age 5

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

2 on 1896 roll as Maylow Lowe

Evidence of marriage required

CCOWEESCOOWEE.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 8 1901

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BUT FOR
GOD'S PRAISE
AND
MAN'S GOOD.

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Address HOGAN & BRAUGHT, Proprietors,

Prairie City, Cherokee Nation, I. T., June 12th 1887.

To all whom it may concern, greeting.

This is to certify that I have, on this, the twelfth day of June, A. D. 1887, united in holy wedlock, according to the Faith of the Baptist Church, and agreeable with the usual forms an ceremonies of the Cherokee Laws and Laws of the united states, the following named couple, viz. James Lowe, citz. of the Cherokee Nation and Mattie Knight, citz. of the U. S. A. Witness my hand and official seal. E. F. Hogan. (Seal)
Regular ordained Gospel minister of the Baptist denomination.

Wit,
Wit.

John W. Chastain
Cynthia Chastain

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Oklahoma,

Proceedings had before the Commission to the Five Civilized Tribes at a hearing of the testimony in the matter of the application of [redacted] for enrollment as a citizen of the Cherokee Nation.

[redacted]

No. [redacted]

AFFIDAVIT

UNITED STATES OF AMERICA }
NORTHERN DISTRICT }

In the matter of the application of

for a settlement as an Invalid Freedman

I, [illegible], of [illegible] being duly sworn on oath state that on the [illegible] day of [illegible] A.D. 1900 I forwarded by registered to [illegible] who at that time [illegible] Indian Territory a notice, a true copy of which is attached hereto and the hereto attached is the receipt of the Postmaster at [illegible] Indian Territory and that on the [illegible] day of [illegible] A.D. 1900 I received the return card which is hereto attached, signed by [illegible] and that he had received said notice.

Subscribed and sworn to before me on this the 13 day of [illegible] A.D. 1900.

[illegible]
Notary Public

D. 839

D 839

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 190....

Given under my hand this ....

day of ..... A. D. 190 .....

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

..... day of ....., 190....

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the day of ..... A. D. 190

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

MAR 15 1902

ACTING CHAIRMAN

NOTICE!

You are hereby notified that we will present before the United States Commission to the Five Civilized Tribes, on behalf of the Cherokee Nation tending to disprove your application made for Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Indian Territory, on [illegible] or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible]

Attorneys for the Cherokee Nation

To be filed with C. D. 476, James H. Harmon et al.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., SEPTEMBER 18th, 1900.

IN THE MATTER OF THE APPLICATION OF Francis Marion Dawson, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Brockinridge, testified as follows:

Q What is your full name? A Francis Marion Dawson.
Q What is your age? A I am fifty eight years old.
Q What is your Postoffice? A Oodema.
Q What District do you live in? A Delaware.
Q Who is it you want to have enrolled? A Myself and family.
Q Your wife? A Yes, sir.
Q How many children? A Six.
Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A No, sir; she is a white woman.
Q How long have you lived in the Cherokee Nation? A Since 1883.
Q Were you admitted by the Cherokee Commission? A Yes, sir.

The applicant presents a duly authenticated certificate of admission to citizenship, showing that on the 11th day of January, 1883, certain persons were admitted by the Commission on citizenship, and among them appears the name of F. M. Dawson.

Q That is your name as it? A Yes, sir.

This is considered as satisfactory evidence of the facts stated.

Q Have you lived in the Cherokee Nation ever since your admission?
A Yes, sir; in Delaware District most times.
Q Give us the name of your wife? A Katie Dawson.
Q How old is she now? A Forty five.
Q Was she admitted with you? A No, sir.
Q Have you married her according to Cherokee law since your admission? A No, sir.
Q You have not remarried since your admission? A No, sir; it was not necessary.

The applicant presents a duly authenticated marriage license and certificate, showing that he was married to his wife, as stated by him, in 1880, by the Reverend R. W. Goudelock, in Carrol County, Arkansas, the license being issued by the Clerk of that County.

These papers are filed herewith.

Q Your wife was not admitted by the Cherokee Commission, when you were? A No, sir.
Q Or at any other time? A No, sir.
Q By act of the Commission or Council? A No, sir: she was placed on the rolls.
Q On the census rolls? A Yes, sir.
Q Give me the names of your children, please? A Lula.
Q How old? A Seventeen.
Q Next child? A Ray.
Q How old? A Fifteen.
Q Next child? A Jessie Jane.
Q How old? A Fourteen.
Q Next child? A Jacob Levy.
How old? A Ten.
Q Next child? A Enoch A.
Q How old? A He is eight I believe.

Q Next child? A Laura.
Q How old is that child? A She is four years old.
Q Is that all? A Yes, sir; six of them. I have others, but they are not at here.
Q Are they married? A No, sir.
Q Are they over age? A Yes, sir.

(1896 Roll, Page 461, #908, Francis Marion Dawson, Delaware.
1896 Roll, Page 509, #135, Katie Dawson, Delaware District.
1896 Roll, Page 461, #903, Lula Dawson, " "
1896 Roll, Page 461, #904, Ray Dawson, " "
1896 Roll, Page 461, #905, Jesse James Dawson, Delaware Dis't.
1896 Roll, Page 461, #906, Jacob Levy Dawson, " "
1896 Roll, Page 461, #907, Hugh A. Delmore Dawson," "
1896 Roll, Page 461, #908, Laura Albontie Dawson, " "

Q Is this Lula or Lulu? A Lulu.

The applicant applies for the enrollment of himself, wife and six children.

Q Were these children all born since you were admitted into the Cherokee Nation? A Yes, sir.

The applicant is shown by the certificate of admission, cited in the testimony, to have been admitted to Cherokee citizenship by the Commission on Citizenship, January 11th, 1883; he is identified on the roll of 1896, but the representative of the Cherokee Nation desires to make inquiry into the methods of that time, and for that reason, the application of the applicant will at present be placed on a "Doubtful Card." He has lived in the Cherokee Nation ever since his admission to citizenship. His wife was married to him under United States law, and was married prior to his admission: she has never been repudiated according to Cherokee law: She has lived with him ever since his admission to citizenship, and she is identified on the roll of 1896. The application for her enrollment will be placed on a "Doubtful Card".

Their six children, as enumerated in the testimony are identified on the roll of 1896: They are living at this time, all having been born since the admission (Applicant's) . These children will be placed with him on a "Doubtful Card". The applicant's marriage to the mother of these children is established by the marriage license and certificate filed herewith. If any additional papers, adverse are developed in this case, he will be given timely notice thereof.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Cravens.

Subscribed and sworn to before me
this 10th day of September, 1900.

(Signed) C. R. Breckinridge,

Commissioner.

BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment of F. M. Dawson and others as Cherokee citizens.

Depositions of sundry persons in behalf of the applicants for enrollment mentioned in the title, taken before me, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, at the office of G. B. Denison in the Grey-Halsell building in the town of Vinita, Indian Territory, on Thursday the fourth day of October 1900, between the hours of one and a half o'clock and six o'clock in the afternoon of said day, in accordance with the agreement to take testimony, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

T. F. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

Q State your name, age, residence and occupation?
A T. F. Thompson, 63 years old, I live near Vinita, Cherokee Nation, I. T. I am a farmer.
Q How long have resided in the Cherokee Nation? A All my life.
Q Are you a citizen of the Cherokee Nation as now constituted?
A Yes, sir.
Q Upon what is that citizenship based, blood or otherwise?
A Blood.
Q What, if any official position have you held in the Cherokee Nation, and at what time?
A I was elected to the Cherokee Council in 1870 some odd, I don't remember the exact year, I was also on the Commission Court.
Q Do you remember when that was? A Some time in 1880 or 1881, I think, it may have been earlier.
Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.
Q State, if you remember, how many members of that Commission or Court, there were, and who they were besides yourself?
A There were three, Tehee, Rolf and myself, Tehee was President of the Court.
Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.
Q Did you have a Clerk? A Yes, sir.
Q Do you remember who that was? A D. W. C. Duncan.
Q Do you know whether the members of that Commission beside yourself, are living or dead? A Yes, sir, they are both dead.
Q Can you recollect now what period of time that Commission lasted?
A About two years I think, two sessions, and there was one session each year.
Q Were the sessions of that body held in Tahlequah, open to the public at all times when it was in session?
A Yes, sir.
Q Were the cases coming before that body heard in open session?
A Yes.
Q Witnesses examined orally? A Yes, sir.

Q Judgments of the Court or Commission pronounced in open session?
A In case of decisions I think they sometimes had secret sessions, yes, the judgments of the Commission were pronounced openly.
Q What you intended to convey by you answer to the former question was that after hearing the proof the Commission or Court deliberated in secret session upon the testimony taken before reaching a decision or announcing it? A After hearing all the testimony we went into secret session.
Q I will present you with a paper which the Notary will mark exhibit "A" and a copy of which he will attach to your deposition, and will ask you if with the exception of the certificate of record by H. L. Bragdon, Clerk, and John L. Adair Asst. Ex. Secretary, you recognize it as a paper you have ever seen before?
A I recognize the signature to it, but don't remember the instrument.
Q Which signature on that paper do you recognize? A My own.
Q That signature is in your own handwriting? A Yes, sir.
Q Do you know whether Thomas Tehee, president of the Commission could write in English or not? A No, I don't think he could.
Q How as to Alexander Wolfe, a member of the Commission?
A I don't think he could write either, I don't think either of them ever wrote except by touching the pen.
Q Were you, and are you familiar with the handwriting of D. W. C. Duncan, the Clerk of that Commission?
A Tolerably well, but it has been a long time since I saw any of it.
Q Will you look at the paper again and say whether you recognize his signature attached thereto?
A Yes, that is his signature to the best of my knowledge.
Q Do you preserve any personal recollection of the application before that Commission of F. M. Dawson and other members of the Dawson family, to be admitted as citizens of he Cherokee Nation by tht Commission?
A I remember F. M. Dawson and his brother, that is about the only ones I remember.
Q The question was not as to the personal recollection of the individuals, but as to the claim being presented by the Dawsons for admission?
A Yes, there was such a claim before the Commission.
Q Can you state as to the citizenship of Thomas Tehee, whether he was a citizen of the Nation by blood or not?
A Yes, sir, he was always recognized as such, full blood besides.
Q What is your knowledge of Alexander Wolfe?
A About the same, he was also a full blood and recognized as a Cherokee.
Q Judge Thompson, if you possessed or had, or have now any knowledge of any corruption or bribery of the court or Commission, or any member of it by F. M. Dawson or any of the Dawson family or anybody connected with the presentation of their claim for citizenship, state it fully?
A None whatever as far as I was concerned, and I don't think there was by the balance of the Court.

CROSS-EXAMINATION BY W. T. HUTCHINGS.

Q Do you mean to say Mr. Thompson that your name attached to the certificate shown you is in your handwriting?
A Yes, sir.
Q When Mr. Duncan certified that this is a transcript of the decision in the case, he is mistaken, that is the original?
A No, I don't know, that may be the original, if that is not the original I did not sign it, if it is the original I signed it.
Q You state that the witnesses were examined orally before the Court, don't you know that in almost every case was taken by ex-parte

affidavits of witnesses when those witnesses were not present?
A I think we ruled exparte evidence out, as well as I remember.
Q Did you have any stenographer or anybody to copy the evidence?
Mr. Duncan did all of the copying.
Q Was the evidence copied and preserved?
A Yes, sir, I think it was.
Q What was done with that evidence, where was any of it ever put?
A I suppose it is at Tahlequah in the office of the Treasurer or Secretary.
Q When you went into secret session did you have Mr. Duncan read the evidence to you?
A Yes, sir, we went over the evidence thoroughly.
Q Did you allow the applicants or their attorneys admission to any of your secret sessions?
No, sir.
Q When you got ready to render your decisions did you then send for the applicants or their attorneys?
A No, sir.
Q And you rendered them in secret also, did you? A Yes, sir.
Q Have you any recollection who testified in the Dawson case, as to their claim? A No, sir, I have not.
Q Have you any recollection as to who they claimed their Cherokee ancestors were? A Yes, sir, they claimed the Rogers.
Q Did they claim relationship with any of the present families of Rogers residing in the Cherokee Nation?

The applicant objects to this question as tending to elicit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.

A I don't know that they did, particularly.
Q How would your court determine when they claimed descent through some Rogers family, that that family was of Cherokee blood?

The applicant objects to the question upon the same grounds as their objection to the previous question.

A By the evidence they produced.
Q Didn't you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were citizens thereof? A Yes.
Q Who was the attorney for the Dawsons? A Old man Houston Benge.
Q Could either Tehee or Wolfe speak English? A They could understand, but they never spoke English, they had an interpreter.
Q Did you ever talk to either of them as to whether they got anything for deciding this case? A No, sir.
Q How long were you considering the case altogether?
A I could not say as to that, I think we were on it two or three days, anyhow, I could not say positively now, they were a long time engaged in testimony.
Q There were only two or three witnesses examined all told, were there?
A I think so, three I think, they had quite a lot of affidavits, but I did not consider them.
Q How long the Court was a good while arriving at its conclusion after the case was closed?
A Quite a good while, I don't remember the exact time.

RE-DIRECT EXAMINATION:

Q Do you remember who the interpreter the Commission used during the hearing of the Dawson case?
A His name was Reese, I forget his given name.

Q Do you now whether he is living or dead?
A I don't know, he seemed to be in bad health at the time we had the case up, I think they are all dead but me and Mr. Duncan.
Q What was he, a Cherokee by blood?
A He was considered a Cherokee by blood.
Q Do you know where he lived at that time?
A No, sir, he lived in the South part of the Nation though, I think in Sequoyah.

(Signed) T. F. Thompson.

Copy of Ex. "A" to T. F. Thompson's testimony.

CERTIFICATE OF RECORD.

United States of America,
Indian Territory,
Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, her by certify that the instrument hereto attached was filed for record in my office the 9 day of March, A. D. 1893, at 10-30 o'clock A. M. and duly recorded in book C. Misl Record Mortg. & Liens, page 339,

Witness my hand and seal of said court at Muscogee, in said Territory this 16 day of March, A. D. 1893.

(SEAL) M. L. Bragdon,

Clerk.

Transcript to which this is attached, endorsed on back as follows:

"No. 108, Robt. Dawson et al, VS the Cherokee Nation, Transcript of Judgment, Filed Mar. 9, 1893 10-30 A. M. Marshall L. Bragdon, Clerk.,

OFFICE OF COMMISSION ON CITIZENSHIP,
TAHLEQUAH, CHEROKEE NATION, JANUARY 11th, 1883.

Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly
No. 108 Dawson, Wilbron Dawson, James Dawson, Rial Dawson,
VS,
The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1883, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship, that the claimants, Rob't Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, and Rial Dawson, are Cherokees by blood; and that they are entitled to all the rights and priviliges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they should be, and they are hereby

admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. W. C. Duncan,
Clerk of Commission.

Thomas Tehee, President of Com.
Alex Wolf,
T. F. Thompson, } Commissioners.

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears of the record in my office,

January 11th, 1883.

D. W. C. Duncan,
Clerk of Commission.

Executive Department,
Tahlequah, Cherokee Nation,

January 11th, 1883,

I hereby certify that the within named Commission on Citizenship, composed of Thomas Tehee, President, Alex Wolf and T. F. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and Commissioned Commission on Citizenship, and that their actions as such are legal and binding.

Witness my hand the

Witness my hand and the seal of the Cherokee Nation, on the date above written.

John L. Adair,
Asst. Ex. Secretary.

United States of America,
Indian Territory,
Northern District,

I, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, Qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. F. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. F. Thompson, L. T. M. - N. P. Oct. 4, 1900." The foregoing copy having been carefully compared by me with the said original.

Given under my hand and seal of office as such Notary Public, this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.

My commission expires Feb 3rd. 1903.,

D. W. C. Duncan being produced by the applicants after being sworn to testify to the truth, the whole truth and nothing but the truth testified as follows:

DIRECT EXAMINATION BY C. B. DENISON:

Q Please state your name, age, residence and occupation?
A My name is D. W. C. Duncan, my age is 70 years, my residence is Vinita, Indian Territory, my occupation is a farmer.
Q How long has that been your place of residence? A Since 1874.
Q Are you a member of the Cherokee Nation as it is now constituted?
A Yes, sir.
Q Upon what is your citizenship based, a Cherokee by blood?
A Yes, a Cherokee by blood.
Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?
A About that time I held the position of Clerk of the Citizenship Court or Commission.
Q If you remember the names of themembers of that Commission or Court, please give them?
A The President of the Commission was Tehee I believe, and a Member by the name of Wolfe whose first name I don't recollect, and Mr. Thompson here.
Q T. F. Thompson?
A Yes.
Q Do you know whether those three members of that Commission were recognized citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?
A They were supposed to be citizens of the Cherokee Nation and their citizenship was based upon their blood.
Q Will you please look at the paper now handed you which the Notary has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will attach to Mr. Thompson's depositions, and state whether with the exception of the certificate of M. L. Dragdon, Clerk, and of John L. Adair Asst. Ex. Secretary, you recognize the paper as one you have ever seen before?
A Yes, I think I have seen this before.
Q When, and where, if you remember, did you first see that paper?
A This is a paper I drew up at the time I was acting as Clerk of the said Citizenship Court.
Q Looking at its date, was it drawn at you at the time it bears date?
A To the best of my recollection it was drawn at the date specified.
Q Do you recognize the signature to the certificate attached to that paper?
A Yes, that is my signature.
Q State if you know, in whose handwriting the body of the paper is?
A It is in my handwriting.
Q And at that time you were Clerk of that Commission? A Yes.
Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and state if you can, by whom they were written?
A I think the first two is my handwriting, the last I recognize that as T. F. Thompson's.
Q Explain please, how you came to write the signatures of Thomas Tehee and Alex Wolfe to that paper?
A Thomas Tehee and Alex Wolfe were full bloods and could not write, and in their presence, and at their request I wrote their signatures.

Q Was that the usual manner of certifying to the action of the Commission to applicants as to the decision of their application for citizenship, where admitted?
A In all instances where it is necessary for the Court to sign a paper of any kind it was adopted by that Court for the Clerk to sign Tehee's and Wolf's names and T. P. Thompson to sign his own name.
Q You didn't catch exactly my idea, but perhaps that answered it, what I intended to call you attention to, was whether when applicants had been admitted to citizenship a paper of this kind now shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?
A My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was entered upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.
Q If you had any knowledge at the time the application of the Dawson family, F. M. and others whose names are mentioned in that paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. M. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?
A I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind in what has originated recently, since the enrollment business has been inaugurated.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q If as you certify, this paper was a transcript of the record, why did you have the judges sign it?
A I know no reason further than that was the practise at that time, the members of the Court being present I presume it was thought it would be an good or better than the signature of the Clerk.
Q Examine that signature of Mr. Thompson, examine the first T in his name and the T in Tehee's name and see if it is not all your own handwriting?
A No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accident.
Q How was the evidence taken in those cases?
A It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q Do you know whether that evidence is in existance or not?
A I do not, the last I saw of it was when I turned the records over to the Executive office at Tahlequah, and I have not seen it since.
Q You say you never heard any talk about this being an improper case until very recently?
A Well, that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can safely say that did not.

Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross-examination.

A They claimed their right of citizenship through a man by the name of Rogers, I don't recol ect his first name.
Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?
A I do.

(Signed) D. W. C. Duncan.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do certify that the foregoing depositions of T. F. Thompson and D. W. C. Duncan were taken before me at the time and place and in the action mentioned in the caption, and said T. F. Thompson and D. W. C. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence; the claimants being present in person and by their attorney O. B. Denison, and the Cherokee Nation being represented by W. T. Hutchings Esquire its attorney,.

Given under my hand this 4th day of October, A. D. 1900.
(SEAL)

(Signed) Lewis T. Martin.

Notary Public.
My commission expires 2/3/1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1903.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation,. He being sworn and examined by the Commission, testified as follows:

Q What is your name? A Francis Marion Dawson.
Q How old are you? A Soon will be sixth years old.
Q What is your postoffice address? A Afton now, it used to be Oseuma.
Q What was the name of your wife? A My first wife was Julia Ann Howard.
Q She was a white woman? A Yes, sir.
Q When were you married to her? A I think it was the 8th of January, 1864.
Q Where were you living at that time? A In Arkansas.
Q Who married you? A A man by the name of Dave Sturdy.
Q Was he a preacher? A Yes, sir.
Q A Minister of the Gospel? A Yes, sir.
Q Did you and she live together as husband and wife up to the time of her death? A Yes, sir.
Q Did you have any children by her? A Yes, sir.
Q What are their names? A Willis E. Dawson.
Q The next one? A Francis Marion Dawson Jr.
Q The next one? A Johnnie.
Q The next child? A Elizabeth.
Q The next one? A Arizona Allred.
Q Those are all the children you had by your first wife? A Yes, sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Joseph R. Dawson.
Q How old are you? A I will be 51 the 13th day of June.
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes, sir.
Q How are you related to him? A Brother.
Q Did you know his former wife, Julia? A Yes, sir.
Q Is she living or dead? A She is dead.
Q Was she a Cherokee or white woman? A I couldn't say what; they married in the states.
Q Do you know when he was married to her? A Yes, sir.
Q When was it? A About the close of the war.
Q Who married them? A Parson Sturdy.
Q Were you present when they were married? A Yes, sir.
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes, sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:
Q What is your name? A John K. Stevens.
Q How old are you? A 56 years old.
Q What is your postoffice address? A Afton.
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes, sir, as we call him, Mud Dawson.
Q How long have you known him? A My first acquaintance with him was in '61.
Q Did you know his first wife, Julia? A Yes, sir.

Q Do you know whether or not they were married? A Yes, sir, they were married.
Q Were you present at the marriage? A No, I wasn't present at the marriage.
Q Did you see them soon after their marriage? A Yes, sir.
Q Did you continue to know them for any length of time afterwards? I knowed them as long as she lived.
Q During the time you knew them did they live together as husband and wife? A Yes, sir.
Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following Cherokee cases:
Arizona Allred et al D-635, John Dawson, D-680, William R. Dawson D-681, Lizzie Dawson D-684 and Francis M. Dawson Jr. D-688.

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I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. O. Rothenberger.

Supl.--C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 17, 1903.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS M. DAWSON, ET AL., as citizens of the Cherokee Nation:

The case having been set for final hearing March 17, 1903. the following proceedings were had:

APPEARANCES:
Mr. A. S. McKennon, of counsel for applicants;
Mr. W. T. Hutchings, of counsel for Cherokee Nation.

Mr. Hutchings: Comes now the Nation on the calling of this case and announces that it is ready for trial, provided permission is given to hereafter examine before the Commission, either at this place or Fort Gibson, the witness S. H. Benge, who has been regularly summoned to attend at this day and time but who is too sick to travel at this time and probably will be for some time to come. As evidence of a good faith of the Nation we hereby present an affidavit of the facts sought to be proven by the said Benge. If the applicant's counsel are willing to concede that the witness if present would testify to the facts herein set forth, the Nation is ready to proceed to trial without reservation of any kind. If they are not it desires to reserve this privilege of hereafter, either tomorrow or otherwise, this case being set for to-day and tomorrow, of examining before the Commission, or its authorized officer, this witness as above set forth.

Mr. McKennon: Applicants object to the introduction of the paper presented and do not admit that the witness, Samuel H. Benge if present would testify to the facts therein stated. They consent and desire that the testimony of said Benge be taken before the Commission at its office in Muskogee but not elsewhere, and protest against it being taken at any other place, with the understanding, however, that when taken we have opportunity to introduce any evidence we may desire in rebuttal.

Mr. Hutchings:
The Nation will pay all the expenses of the opposing Counsel, their client and Commission officers in taking the deposition at Fort Gibson.

Commissioner Breckinridge: The allegations of this witness are material in their character and are quite tangent. The Commission of its own volition would acquire information of that character if it knew of its existance anywhere. While the functions of the Commission, as well known are in many respects judicial, yet it is bodied with somewhat complex powers, such as Congress creates from time to time to do business of certain character, and it is ordered to make a correct roll, which is a duty largely independent of hearing simply what is brought before them; it must be the architect and constructor of that roll and if evidence is not brought before before the Commission it must go out and get it, to be uniform on that construction of the law. The Commission, therefore, desires this information independent of any counsel on either side both with respect to the applicant and to the Nation, and if this witness is

is not able to come one of the Commissioners will go to Fort Gibson and to his bed-side, or send a Keeper official, if necessary to take his testimony. The only matter to consider, therefore, is one of convenience with respect to getting this testimony. Now, I understand that this witness is an extreme sufferer from Bright's Disease he is an old man and he may never be able to get out of the house, and it may be an injustice to him to subject him to a trip here, and therefore it seems to me better that counsel for plaintiff submit to a form of taking a deposition or else accompany an official of this Commission over to Fort Gibson and let his testimony be taken there.

After consultation with the attorneys upon the two sides it is found to be agreeable that the parties start to Fort Gibson to-morrow morning at half past eight o'clock, and it is agreed then and directed with an official of the Commission with a stenographer leave from the office of the Commission for Fort Gibson at 8:30 to-morrow morning.

FRANCIS M. DAWSON, the applicant, re-called for additional cross-examination on part of the Cherokee Nation:

MR. HUTCHINGS:

Q What is your name? A Francis M. Dawson.
Q Where do you reside? A In Afton.
Q You have been examined in this case heretofore, have you?
A I don't know which case it is.
Q In your own case? A Yes, sir.
Q Are you the one that is commonly called Bud Dawson? A Yes, sir.
Q You made the original application in the Dawson family for admission to citizenship in the Cherokee Nation, didn't you? No, sir; my brother.
Q What was his name? A A. E. Dawson.
Q You and Robert Dawson and Elbert Dawson and others applied September 24, '81, about that time? A Yes, sir.
Q And you were admitted about the 11th of January '83? A Yes, sir.
Q There were other members of your family that applied and were admitted after that time? A Yes, sir.
Q Do you or not remember the evidence offered in their to substantiate their case was the relationship between yourself and Robert and others and the evidence of your admission by the Teh Court. In all the subsequent admissions I mean the only evidence offered was the fact that you and your brothers had been admitted before and that they were kin to you; that was the only evidence offered in any subsequent cases, wasn't it; so far as you know?
A That is afterwards?
Q Yes, afterwards? A I think there was some other evidence introduced.
Q Don't you know that there was never any evidence offered in any other case except evidence of Dr. Baker of Arkansas? Yes, sir.
Q Who else? A Oliver Miller.
Q Who was Oliver Miller; the records in this case have been somewhat destroyed and mutilated? A Oliver Miller was an Indian.
Q What was he, who was he? A He is no kin to me at all.
Q Well, what station in life did he occupy; was he a farmer?
A Yes, sir, farmer.
Q Were you present when he testified? A Yes, sir.
Q Were you present when Dr. Baker testified? A Yes, sir.

Q Have you a fair recollection of the testimony of those two men?
A No, not at all.
Q You don't read do you, Mr. Dawson? A No, sir, I dont read nor write; I can barely write my name.
Q Do you think you would remember the testimony of Dr. Baker if your mind was refreshed on it? A Part of it I think.
Q Were you present when you were admitted? A I was not in the room.
Q You were in Tahlequah at the time? A I was in the town of Tahlequah at the time.
Q I will read this paer to you and desire for you ro say whether or not it was the testimony of Dr. Baker in your case:
(Affidavit of Dr. Arthur Baker read to witness, and asked to be copied in the record later.)
Q Is that the correct transcript of the testimony? A It has been so long ago, I could not say: a part of it is, I could not remember it all.
Q Does that state the facts as to the family history correctly so far as you know about it? A So far as I know.
Q Now, you were a son of what Dawson? A Robert Dawson.
Q How many children did Robert Dawson have, and give me their names?
A Elbert Dawson, the oldest; Lila, Jesper, Francis Marion-
Q That is yourself? A Yes, sir; Elizabeth Dawson, Josephine Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson, Edna Dawson, Mollie Dawson, Wilburn Dawson.
Q Thirteen? (No response.)
Q Now, Rober Dawson's father was whom? A Sam Dawson.
Q Who was Sam Dawson's wife, your grandmother? A I have been told.
Q By family history is all you know? A She was called Polly Dawson.
Q Who was Anna Pruitt? A I don't know.
Q Never heard of anybody in the family by the name of Anna Pruitt? A No, sir, that was away back in the old country; I have heard talk about it, old Dr. Baker talked about it.
Q Your grand-mother's name was Polly Dawson? A Yes, sir; I don't remember seeing her but once, she died when I was small, died in Texas.
Q Pollie Dawson? A Yes, sir.
Q And she was known as Pollie Rogers, her maiden name? A Yes, sir.
Q Daughter of Captain John Rogers? A Yes, sir.
Q Now, she died in Texas what time? A I don't remember.
Q Can't you guess at it? A Oh, I could guess.
Q Give your best recollection? A About '58 or '59, or no, '48 or '49; I don't say positive, just guessing at it.
Q How old a boy were you then? A I was born in '42.
Q Have you any distinct recollection of her? A No, sir.
Q Have you any recollection of all the children of Sam and Pollie Dawson; that is, your father, uncles and Aunts? I didn't see all of them.
Q Do you know by family history the names of all of them? A Yes, sir.
Q Will you give them to me?
A Betsy Ann Dawson, I believe her name was.
Q Did she marry a Petty? A Yes, sir; the next is Robert Dawson.
Q Your father? A Yes, sir.
Q Next one? A I think the next was James Dawson, and I think the next one was a girl. Edna Dawson.
Q Did he have two daughters? A Yes, sir.
Q Tell sir? A The next one was Joe Dawson. I never saw him; Riley Dawson.

Q That is Samuel R. Dawson, Riley Dawson? A Yes, sir.
Q Any other one? A That is all I know anything about.
Q Did he have any child by the name of John? A Yes, Jack.
Q Didn't you get Jack misplaced with Joe? A No, it was Joe; I have heard my father speak of him.
Q Then they have seven children? A I never see them all.
Q How many of them did you ever see? A I seed uncle Riley Dawson and James Dawson and Jack Dawson and Betsy Ann Petty; I don't think I saw but one of Pa's sisters and brother, they went to Mississippi I think.
Q Do you know what your family history says that the mother of your grandmother, Pollie Rogers' name was? A We have no history.
Q Well, as it was brought down to you; did you ever hear anybody say what your great grandmother's name was? A No, I don't remember.
Q What is that other man, Oliver Hill that testified in your case? A He testified in Joe Dawson's case; he never testified in my father's case.
Q Well, didn't anybody testify in your case but Dr. Baker?
A Yes, sir, several other witnesses.
Q Who were they? A I don't remember; my mother got them witnesses around Tahlequah, old people.
Q Were you present? A No, sir.
Q You were only present when Mr. Baker testified? A Yes, sir.
Q Now, do you find any mistakes in Dr. Baker's statement there?
A I could not say all of them was correct or not, part of it is correct.
Q What part is correct? A Why about knowing the family over there.
Q Who is Buck Dawson? A My brother,
Q What is his name? A We always called him Buck, it is Elbert, E. Dawson.
Q Who went with you the first time you went up to make application for citizenship do you remember? A With my brother.
Q The first time? A I met my brother in Texas.
Q Which one? A E. Dawson.
Q That is Elbert or Buck? A Yes, sir.
Q You were living in Arkansas? A Yes, sir.
Q And he was living in Texas? A Yes, sir, and another one of little brothers, Dr. Dawson now:
Q Dr. Dawson now? A Yes, sir.
Q What is his name? A James.
Q And you three went there? A Yes, sir.

Mr. McKennon: Applicants by their counsel object to all the statement of this witness relating to the testimony introduced before the Cherokee Citizenship Commission, and the history of the family as detailed by him, because the same is incompetent and irrelevant, and cannot be used for the purpose of impeaching the integrity of the judgment of said Commission, or either of the Commissioners in admitting members of the Dawson family.

Commission: The objection of the Attorney for the applicants to the testimony above will be noted. The same will be filed and noted for what it is worth.

(Attorney for applicants waives examination.)

C. H. TAYLOR, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A O. H. Taylor.
Q Where do you reside, Mr. Taylor? A Mt Near Coffeyville.
Q Were you an attorney before various citizenship Courts along in '01 to '8" in the Cherokee Nation at Tahlequah? A Yes, sir.
Q Were you attorney for F. M. Dawson commonly known as Bud Dawson?
A Yes, sir.
Q Were you present at the taking of testimony in that case? A No, sir; I wasn't present.
Q Do you know who composed the court that decided the case at that time? A Yes, sir.
Q Who were they? A Tom Tehee and Alex Wolfe and Tom Thompson.
Q Do you know whether or not they were all there when the case was decided? A No, sir, there were only two of them present.
Q Which two? A Tehee and Wolfe.
Q Who was the Clerk of the Court at that time? A Mr. Duncan, D. W. C. Duncan.
Q Do you know what witnesses were used in the case of Bud Dawson?
A No, sir; now I was the attorney in the case and the evidence had already been filed before the Court.
Q When were you made attorney? A I was only called in as an attorney at the— Well, Mr. Duncan came down there, and Mr. Bryant had the case and several other attorneys had the case and he employed me.
Q Did you read the evidence in this case? A No, sir.
Q Did you deliver any money? A Now, I was the attorney in the case and I don't think it would be right for me to make any statement.
Q Well, you have claimed your privilege, I ask that you answer the question? Did Dawson ever hand you any money with the direction to pay it to either member of the Court or the Clerk of the Court, D. W. C. Duncan, and if so state the amount? A I had a heap of trouble over this matter.—

Commission: Just answer the question, Mr. Taylor.

A Being the attorney I don't believe it is right for me to answer that question.

Commission: Do you refuse to answer? A Yes, sir.

Q Did the matter to which you object to testifying occur prior to the rendition of the decision admitting to citizenship or afterwards? (No response)

COMMISSIONER BRECKINRIDGE:

Q Do you desire to reply to the last question? A I don't think it is right; I was attorney in the case.

Q Mr. Taylor, do you object to answering that question? A Yes, sir.

Q You refuse to answer that question, do you? A I had rather not say or it.

Q Either answer it or say you won't answer it? A I had rather not answer it.

Q Mr. Taylor, you have answered a number of questions down to this point, and it is at this point what you prefer to plead your privileges, as an attorney, do you? A Yes, sir.

Com'r Breckinridge: The matter in regard to these matters is lodged in the United States. The Court is clothed with special power with reference to any cases that arise through this Commission. Of course the Commission does treat the Government right for the sake of a correct roll the fullest information possible, but it is subject to the limitation of law, and it is not for this Commission to decide of the law in the matter of this character with any authority as I understand it at this time, but to report the matter to the United States Court and let the Court pass judgment.

Under section 21 of the Curtis law as it is commonly called Act of June 28 1898, the members of the Commission shall in performing all duties required of them by law, have authority to administer oaths, examine witnesses and send for papers and persons, and the court is clothed with authority to enforce obedience. The law having enumerated certain powers goes on to say so far as all others are concerned to enable said Commission to make rolls as therein required, and to punish anyone who may in any manner or by any means obstruct said work. Now, the Commission will report the facts to the United States Court and let the Court decide whether or not you are within your lawful privilege. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what what is commonly considered a matter of privilege--according to an authority referred to by an attorney, but the enforcement of an answer seems clearly to be a matter for the Court to deal with.

Q Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct that you make answer, and if you refuse I shall report the matter to the United States Court; do you refuse? A Yes, sir.
Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer; viz: as to whether Mr. Dawson sent you money to pay to the Court or to any officials of the Court, it seems to come to the question as to whether there was any collusion between you and Mr. Dawson and any member of the Court; now, I understand that you refuse to answer that question upon the grounds that you were Mr. Dawson's attorney? A Yes, sir.
Q Now, I require that you answer that question, do you refuse?
A Yes, sir.
Q I shall also report that refusal to the United States Court as it seems to come under the provision of law, relating to conspiracy between you and Mr. Dawson which apparently considered a privilege matter, and you base your refusal now, not upon the ground that you are incriminating yourself, but that you were counsel for Mr. Dawson. I will report the matter to the Court and you will be informed at the time of any proceedings in the matter I caution you not to talk with Mr. Dawson or any of the applicants in this case.

Mr. McKennon: Applicants do not object and have not objected to the witness answering on account of his privilege as an attorney or for any other cause whatever, they only want to object to the incompetence and irrelevancy of the testimony, with the privilege of cross-examining upon any testimony given by the witness.

COM'R BRECKINRIDGE:
Q You still refuse having the consent of the attorneys in the case to make answer? A I will just ask your Honor to let the matter go over until morning.

Commissioner Breckinridge: It will rest until in the morning at its present status: It is after business hours now.
As for the objection made by Captain McKennon, Counsel for the applicant, it will be taken into consideration, but will not be granted at the present.
(The Commission adjourns until 1:00 P. M. to-morrow, March 13, 1900.)

Supl.-C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., March 10, 1903.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS M. DAWSON ET AL., as citizens of the Cherokee Nation:

Appearances:
Mr. A. S. McKennon, of Counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

SAMUEL H. BENGE, being duly sworn, testified as follows on part of the Cherokee Nation:
W. T. HUTCHINGS:

Q State your name? A Samuel H. Benge.
Q Where do you reside? A Fort Gibson.
Q How old are you? A I am 70 years old, going in 71.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; Cherokee by blood.
Q State what official position you have held in the Cherokee Nation and what your general connection with the Nation officially in the last 40 years? A Well, I had several; I have been Sheriff, Councilman, Senator, Delegate to Washington; had a hand in making the treaty of 1866, I am the only one living that signed that treaty; President of the National Council of different tribes of Indians.
Q Were you acquainted with F. M. Dawson, commonly called Bud Dawson? A Yes, sir; I knew him.
Q State you connection with and what you know about his citizenship case before what is known as the Thomas Tehee Citizenship Court? A Mr. Dawson came down, I was living down below here, he come and employed me to look to his case and we went to Tahlequah, I believe if I ain't mistaken in 1901 and filed his case there; we went several times and continued his case on for the want of evidence, and finally while we was up there we run across one old darkey by the name of Tosh Rogers; we got his testimony and after we got that testimony we concluded that it was sufficient to go into the trial with. Tosh lived here at Fort Gibson, he was a horse trainer down here and stayed here; he claimed that he knew the Rogers and belonged to one of them and after that we thought we had sufficient evidence we submitted our case to the Court for trial, and the Court went to work and rendered a decision against Mr. Dawson. I told Mr. Dawson right there that "our case is dough", just made that remark, and he just made the remark "never mind", and next morning they taken up his case again and they rendered a decision in his favor. I filed no motion nor any evidence at all whatever; I give the case up right there and the decision was then given in his favor, and on our way back from Tahlequah, why we got to talking about the case and I told him: "it was a pretty hard blow when they rendered that decision against us." He said: "yes, but Duncan was the man to reach", but he reached him with five hundred dollars.
Q What position did Duncan occupy? A He was a Clerk of the Court.
Q Was he an educated man or—? Yes, sir; he was an educated man.
Q Who were the members of the Court? A Tom Tehee, Alex Scales and Tom Thompson.
Q How many of those could speak English at all? A One.
Q Which one? A Thompson.
Q Who was the Attorney that represented the Nation in those cases? A Guy Sanders.

Q What was his given name? A Wilson Sanders; was it Wilson Sanders?
A Wilson Sanders.
Q Was he an educated man, or could speak English well? A No, sir.
Q Did Mr. Dawson say anything about the matters having cost him a good deal of money? A He said it had cost him a right smart.
Q Was any remark made on the way back about the opening up of the case, and if so, what? A He asked me if I thought the case was ever investigated eventially and I told him I didn't know.

MR. McKENNON:

Q Were you ever a witness in the Dawson case, Judge, in any of those investigations that have been made since that time? A I don't know that you might call it a witness; that young man came to me once at Tahlequah, and asked me to help him up there that the case was going against him, him and his mother and all was about knocked out and I interceded and done what I could there before the Committee. I was not a witness but that is all I don't for him.
Q That was Mr. Graham, wasn't it? A Yes, sir.
Q Have you had conversations with Mr. Graham since that time about it? A Well, I might, I don't recollect, I might have had conversations with him.
Q Well, after the Dawes Commission began taking a census of the Cherokees and when they were about Sallisaw down here, did you have a conversation with him here in Fort Gibson about the matter?
A Now, I just can't tell you; I have seen him on several occasions, but the conversations we might have had I can't state.
Q To refresh your memory I will ask you if he did not tell you that they were making a fight on the Dawson family and he wanted to know of you whether that judgment in favor of Robert Dawson's family was fairly wondered, and did you not then tell him that it was all right, that it was fairly obtained? A Not as I recollect of; all he said was that is as I have stated he talked to me in regard to his mother, himself and probably his brothers and sisters, I don't recollect how many there were, but he told me they were rejected, that is just the words he used.
Q When? A It has been sometime ago.
Q Here in Fort Gibson? A Well, that is I saw him here in Fort Gibson, and then I saw him in Tahlequah.
Q Well, did he here in Fort Gibson ask you particularly about the Robert Dawson judgment, as to whether it was fairly obtained or not?
A No, sir; he was basing his claim on the Dawson case, that is the way he-
Q What is the principal Dawson family? A Yes.
Q When was this other written statement here made, When was this made by you? (referring to affidavit heretofore referred to.)
A Yesterday I reckon.
Q Who do you take this? A Mr. Starr.
Q Who else was present when this was taken? A No, sir.
Q How had you told about this matter, Judge? A No one as I know of.
Q Do you know how it was that they knew that you knew him?
A No, sir.
Q You never made any statement? A Never made any statement that I recollect of except I might have talked with Scales, he and him talked about these cases a good many times; if I ever made a statement it was to Joe Ab Scales.
Q Did Mr. Starr know? A I could not tell you that. I do not know.

Q That was his given name? A Wilson Sanders; was it Wilson Sanders?
A Wilson Sanders.
Q Was he an educated man, or could speak English well? A No, sir.
Q Did Mr. Dawson say anything about the matters having cost him a good deal of money? A He said it had cost him a right smart.
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Q Who else was present when this was taken? A No, sir.
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Q Do you know how it was that they knew that you knew him?
A No, sir.
Q You never made any statement? A Never made any statement that I recollect of except I might have talked with Scales, we talked about, talked about these cases a good many times; if I ever made a statement it was to Joe Ab Scales.
Q How did Mr. Starr know? A I couldn't tell you, no sir.

Q He came alone here as a Notary Public? A He came alone here as a Notary Public. All he said when he come, he says "we understand that you know something in regard to these cases", I said " what case," and he went to work and named Shoemake case and Dawson case.
Q And thereupon you made this statement? A He said he wanted to qualify me.
Q Are you certain Judge that after the rendition of tht judgment Mr. Dawson came back here to Fort Gibson with you?
A Yes, sir; we was together.
Q Let me ask you if it was not a very cold day when he came here and he went over ahead of you and you went over to Tahlequah the next day or two after he left? A My recollection was he and I went together.
Q And returned here together? A Yes, sir.
Q Did he not leave you there and go back direct to Arkansas?
A No, sir, we care here together. If my memory serves me right, I might be mistaken but then I don't believe I am, he came from Webbers Falls up here to my house, that is according to his statement.
Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.
Q How didthey pay you? A Paid me the money.
Q Who paid it to you? A Dawson there and that fealow, young fellow paid me some.
Q Mr. Grahar? A Yes.
Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.
Q I will ask you if Mr. F. M. Dawson h re did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you $50 that they paid you? A No, if I ever got a let er of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over i Arkansas, but not living down in Texas, I don't know about it.
Q Where did he pay you the money? A Paid it here at home.
Q Before you went out? A He paid me fifty dollars before we went up and when we went up yonder he paid me fifty dollars more; if you want to know what I got, I got one hundredn dollars.
Q You were acting as his attorney in the case? A Yes, sir.
Q How many judges were there present when the judgment was rendered? Q In his case?
A Yes, sir. A Well, according to my recollect there was all there, but if they were not all there, Tom Thompson was sick. Tehee and Wolfe.
Q Don't you remember that they were all present? A No, I think they were present though.
Q Who else was present at the time? A Oh, I could not tell you, there were several people in the house; could not tell you at all.
Q Were there several in the house the evening before the judgment was rendered against them as you say? A Yes, there were several in the house.
Q And several in the house when the judgment was rendered the next day? A I don't know how many there was.
Q Do you remember the names of any of them? A Why not exactly, mostly full bloods.
Q How long didyou remain out at Tahlequah on that trip?
A I guess I was there about three days.

Q Tending to this case alone, or did you have other cases? A no, sir.
Q Do you know of your own knowledge that the judges received any money (this question asked at the instance of Mr. Graham present) A I don't know whether the judges received nay or not.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

March 18, 1902. Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. H. TAYLOR takes the stand and continues his testimony.
BY MR. HUTCHINGS:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today: have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held as in contempt of the Court.
Q You would be held in contempt and the other Court would make you answer? A That being the case of course I would make a statement.
Q Are you acquainted with D. W. C. Duncan, the Clerk of what is known as the Tehee Citizenship Commission Court? A Yes, sir.
Q Did you ever have any conversation with him about letting him know of the different character of cases that would come up before the Court that you knew of, whether they were good ones or bad ones? A No, the only thing that ever come up in that respect; he asked me if whatever large cases that would come up before the Court to let him know.
Q Did you have any talk with him about the Dawson case during the progress of its trial or before and ever introduced Mr. F. M. Dawson to him, or carry him to him? A I spoke to him when Mr. Dawson came to Tahlequah to see about his case, and he said that he would take the papers over to his room, the Dawson papers.
Q Did you see him again that night? A Yes, sir; after supper I went down to his room.
Q Did he ask you about the Dawsons or Dawson case? A He asked me where Dawson was.
Q Which Dawson are you referring to now, F. M. Dawson, known as Bud Dawson? A Bud Dawson.
Q Well, what didyou reply to him? A I told him that I thought he had gone to church.
Q Did you find Dawson after church? A Yes, sir, he told me to come and bring Dawson down and I did so; Dawson was in church.
Q You carried Dawson to him? A Yes, sir.

Q Did you remain during the conversation? A Only a minute.
Q What was said if anything while you were present? A Mr. Duncan spoke to Mr. Dawson and says "there is a hitch in your evidence."
Q Go ahead and state what else he said? A He said "if that was straightened out it would be all right," and I turned and went away, I says, "gentlemen, I will go home."
Q Did you know of their having any other conversation or communication after that? A No, sir.
Q You left them there together yourself? A Yes, sir.
Q Did Mr. Dawson give you any directions the next morning about submitting the case? A Yes, sir, he asked me to call it up the case.
Q The next morning? A Yes, sir.
Q Had there been any additional evidence offered? A No, sir; there was not additional testimony offered.
Q He told you the next morning to call up the case? A Yes, sir.
Q Was it called up and submitted the next morning? A Yes, sir.
Q Now, how many of the members of the Court were there present that morning? A There were only two, two full-blood Indians.
Q Could they speak english at all? A Tehee could talk a little, talk some.
Q Did that Court have open sessions all the time or what is called executive sessions sometimes? A Well, I don't remember about that; it was generally when the case was submitted the attorneys would go out. The parties would go out and they would determine the case.
Q Well, did they go out into that sort of executive session the next morning on the Dawson case? A Well, we went out when the case was submitted.
Q And was the decision rendered that morning in their favor?
A Yes, sir.
Q Who notified you of the decision of the Court? A Why, Mr. Dawson.
Q Do you remember whether he went out with you or was in there during the consideration of the case? A I think he went out with me.
Q Did you at any time thereafter receive any money, checks or other evidence money from Mr. Dawson with direction to turn it in part over to D. W. C. Duncan, the Clerk of that Court? A Mr. Dawson gave me 20 dollars and said he would send the balance in a short time, said he would send some more money in a short time.
Q Well, did he send any money afterwards? A Yes, sir, in the course of ten days or two weeks he send a hundred dollar check, draft.
Q What did he direct you to do with it? A He directed me to give D. W. C. Duncan half of it.
Q Did you give him half of it? A Yes, sir.
Q Did he send you any at any other time after that? A Well, in the course of a couple of weeks he sent me a hundred dollars more.
Q Did he direct you to turn any of that and if so how much, to D. W. C. Duncan? A He told me to give him half of it,
Q Did you give him half of it? A I did, sir.
Q Do you remember whether or Dr. Arthur Baker was the principal witness in behalf of the Dawson case? A No, sir, I don't because I never had any connection with the case, but I heard that he was a witness in the case.
Q No argument was made when you submitted the case? A No, sir.
Q Just submitted it on the testimony? A Yes, sir.

MR. McKENNON:

Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Were you born and reared in the Cherokee Nation? A No, sir; I was born in the old Nation.

Q When did you come to the Cherokee Nation? A Come here in 1385.
Q How long have you been practicing law in the Cherokee Nation?
A I think since '88.
Q You have done a great deal of citizenship business haven't you?
A Yes, sir.
Q You were in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.
Q Were you convicted there? A Yes, sir; I was convicted there on this very case.
Q And served a term of what length? A I was sent to the jail hospital for sixty days and I stayed in about 38 or 39 days, and I was released.
Q When was that? A I don't remember how long ago it has been.
Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention; Clem Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.
Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the mail for fraudulent purposes.
Q Sending out propositions and obtaining case for citizenship for people [illegible] Cherokee Nation? A No, sir, it was for answering correspon[illegible].
Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went before the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.
Q Well, now, was the charge based upon that or was it based upon your letters you sent out to other people? A That was the charge for using the mail for fraudulent purposes.
Q The use of the mails for fraudulent purposes not in connection of this case was it? A Not particular of this case.
Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is what you mean to say? A Yes, sir.
Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.
Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.
Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.
Q Yet when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occured between you and your client, Bud Dawson, in relation to this matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.
Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he summoned me and I come down here and I didn't want to make a statement to him but he insisted.
Q He had no power to compel you to make a statement? A No, sir.
Q You could then make it very freely and your conscience did not hurt you, but when you came on the stand you were very conscientious about it? A I didn't want to make a statement at all unless I would be put in jail here if I didn't.
Q But you had armed them with information by which they could ask you these questions when you came on the stand? A I had told Mr. Hastings.

Q You knew when you gave him that information that you would be brought on the stand as a witness, did you not, by reason of that?
A No, I didn't know that I would be compelled to make a statement in the matter, a sworn statement.
Q You thought you would not be compelled to answer?
A I didn't think the law would compel me to make a statement.
Q Why then did you make a statement to him about it? A Oh, he was asking me about it, and I told him that I didn't want to make a statement, and I didn't for quite a while after I came down here.
Q When the enrollment division of the Dawes Commission was in Tahlequah, in the winter of 1900, did you not there meet F. M. Dawson and did you not then and there say to him "I told Shoemake I would be for him if he would employ me in his case and if he didn't I would be against him, and the same to you?" A No, sir; I said to him this: I says that if there is not something done that I will likely be summoned against you and Mr. Shoemake both.
Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it. I was going out of town just as he came in.
Q When you told him if something was not done you would be summoned as a witness against him; what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.
Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?
A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your client to you in one instance, but if a little more money was put up you could not be required to make a statement; is that what you mean? A I didn't think I could be forced to make a statement at all in the matter.
Q Why did you make that expression to him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I meant if I was employed in the case.
Q If he would put up you would not testify? A That they could not force me to testify.
Q About the month of February, 1901, in the town of Wagoner, Indian Territory, did you not send your son to get Graham to come to the hotel at night, and did you not then and there say to Gid Graham; "you people are on the doubtful list and if you will give me $500. I will make it all right and see that you are enrolled and if you don't I will see that you don't get on"? A No, sir; I got a letter from Gid Graham in which he asked me to certify that the case was all right and after I met him I told him that I could not do it, that the case was crooked, he then said to me, he says, "I will give you a hundred dollars", he says "will you take a hundred dollars," I said "no, sir." I didn't make any bid, that is I didn't set no price with him.
Q You did not say to him then what I have embraced in that question there? A No, sir.
Q You did have a conversation with him about that time and at that place, did you not? A Yes, sir.
Q You say you didn't make any bid or set any price? A No, sir; he offered me a hundred dollars.
Q Why did you send for him to come to the hotel? A In answer to his letter.

A Did you not on yesterday morning on the street in Muskogee, Indian Territory, in a conversation with W. H. Shoemake say to him: "You have made a great mistake in not keeping in your employment and as we have the Dawsons and it will go hard with you and you will need it"? No, sir; I says to Mr. Shoemake, I says: "Who have you employed in your case," and he says "Judge Thomas and Mr. Owen." I said "It might have been h advantage to you if you had retained me in your matter;" Well, he says "there was nothing wrong in my case" and I says "No, there is nothing wrong on earth in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I says "there is not a thing on earth wrong in your case as I know it came up fairly and squarely and decided in your favor."

Q You said nothing to him about the Dawson case? A Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am summoned on the part of the Nation and I don't want to make a statement and I wont if I can possible avoid it."

Q Was that befo e or after you talked with Mr. Hastings, the representative of the Nation? A It was afterwards.

Q You meant by that if you had refused to answer you would have gone to jail? A No, sir; if they had employed me before hand I meant not now.

Q You mean that if they had employed you before hand you would not have given this information to Mr. Hastings? A I would not be required, being the attorney.

Q Were you required to give him the information; did you know that you had to give him any information? A Who do you mean.

Q Mr. Hastings. A I did refuse him and he insisted.

Q Well, he no authority to compel you to do it? A No, sir; I don't know whether he did or not.

Q As a lawyer you know that he did not have authority to compel you to make a statement to him? A I told him tht I was an attorney in the case and I didn't want to make any statement at all.

Q Why did you do it? A Well, he intimated to me it would go any further. He said to me "I will not make this matter — I will not use it;" that is, what I stated to him was part in confidence.

Q And he pledged you his word that it would not be used? A Well, told him I could make a statement in confidence, and that I didn't want to make a statement before the Court.

Q Well, what did he reply, as you s id just now? A Oh, he says to the statement and then I told him—I regretted very much to do it, and I regret very much to make a statement here. I tried to avoid it yesterday.

Q You stated just now th t he said it would not be used; did he say th t or not? A Well, something to that amount; oh, he says it wont make any difference or someth ng to that effect.

Q Now, don't you know that Mr. Hastings did not intimate to you that the statement he was asking you to make would not be used? A Well, I didn't think that I would be forced to make a qualified statement before the C urt here, because I thought my license would protect me in that matter.

Q Yet it did not protect you or prevent you from making a statement to the attorneys for the Nation? A No, sir.

Q Now, in this conversation with Shoemake to which I befo e referred did you not ask him to again employ you and tell him if he would that would make it all right for him? A No, sir; I didn't say that; no, I said if he had employe me in the matter "maybe it would have been better for you." Now, he offered me when I was down here last week, he offere me five dollars to go down and talk with the lawyers on the matter, I didn't go I was busy.

Q That was not your price? A No, no, I had nothing to say in his case that would be to his advantage; I knew nothing against him.
Q Now, then, you say that your were present on the morning that the judgment was rendered in favor of the Dawsons? A I was not in the Court house.
Q You were present in Tahlequah? A Yes, sir.
Q How long had you been at Tahlequah? A I was living there at that time.
Q When were you first employed by them? A By Dawsons?
Q Yes, sir. A The evening before the case was tried.
Q You say that after he judgment was rendered Dawson handed you $20? A Yes, sir.
Q And told you to hand to Duncan? A No, sir.
Q What was your statement? A That he paid me $20 and says "I will send you some more in a short time, week or so.
Q And then he sent you $100? A Yes, sir.
Q And wrote you to give D. W. C. Duncan $50 of it? A Yes, sir.
Q And then sent you another $100 and told you to give him half of it? A Yes, sir.
Q How much did they pay you? A Well, that was the agreement, was that he would pay me $50 a family.
Q How much did he pay you? A I think there was $250; now I am not sure about the $50, but it appears to me like there was a $50 sent, and Mr. Duncan asked me, as well as I remember, says "have you got a letter from Dawson," I told him "yes, sir." It was either that or the $100, and he says "I would like to have some money", and I went to Stapler's and got it changed— I won't be sure about it being $50 or $100—I went to Stapler's and got him to cash the check and give him his part of it.
Q How much did they pay you for your services? A That is all I got.
Q How much? A I think it was $100, $130.
Q What did you do for them? A Didn't do a thing only called up the case and submitted it; never read the evidence.
Q Submitted it without remarks? A Yes, sir.
Q And for that you say they paid you $130? A Yes, sir; $130.
Q Was Houston Benge present when that was one? A No, sir; I don't think he was.
Q Did you see him then at that time in Tahlequah? A I don't remember.
Q Were you associated with him in any manner in connection with the case? A No, sir.
Q You had a great deal of business of that character, have you before the Courts? A Yes, sir.
Q Were you paid like fees in other cases for like services? A Yes, sir.
Q In many of them? A Yes, sir, good many.
Q All like cases? A Oh, citizenship cases.
Q When was it you were in jail at Fort Smith? A I don't remember; Mr. Mellette can remember, he was there, he was my attorney.
Q Was it about 1883? A It was somewhere along there, along in 1890 somewhere.
Q That has been your principal business as a lawyer, has it not? A Yes, sir.
Q You have never practiced much in any other way have you? A Very little.
Q Were you in the habit of working your cases through in the same manner in which you state you worked this through? A No, sir.

Q This was an exception was it? A I never worked this case through. I simply called the case up by request of Mr. Dawson. I read the evidence; don't know what proof there was in it; he just asked me to call the case up.
Q And he agreed to pay you $50 a family for doing that? A Yes, sir.
Q Was that what you required of him? A That is what he agreed to pay. I says "what will you give?" He says "I will give you $50 a family.

MR. HUTCHINGS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoemake case didn't he? A Yes, sir.
Q And you told him at that time before you knew anything about whether you would be made or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemake case? A Yes, sir; that is what I said.
Q You told him at the same time that you not only expected to claim you privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKennon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strengthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.
Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.
Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.
Q And let the Court decide? A Yes, sir.

MR. McKENNON:

Q Now, have you a license to practice in the United States Courts? A Yes, sir.
Q In the Territory? A Yes, sir.
Q And also in the Indian Courts? A Yes, sir; do you want to see them?

JAMES W. LEWIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name please? A J. W. Lewis.
Q James W. Lewis? A Yes, sir.
Q Where is your postoffice, Mr. Lewis? A Afton.
Q How old are you? A 73 years old.
Q What is your business ? A I work at the tin business and gun work.
Q Do you know one James Dawson, the brother of F. M. Dawson and the other Dawsons? A I know old man James Dawson.
Q That is the one I mean, old man James Dawson? A Yes, sir; I know him.
Q How long have you known him? A Well, some four or five years, I guess.
Q How long? A Four or five years I think.

Q When did you come to the country? A I have been in the country 70 odd years.
Q Well, when did we come to the country, do you know? A Along about somewhere in eighty if I recollect right, might have been later than that.
Q How did you happen to be acquainted with? A He lived right close by me and I built a house for him.
Q Did you have any conversation with him at the time you built that house? A Yes, several different times.
Q About how he became a citizen of the Cherokee Nation, about the circumstances? A Yes, sir.
Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?
A Well, he told me that it cost him $700 to get his rights.
Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

CR. McKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewhere near about 70 years old, he might have been older than that, I don't know.
Q He was a very old and feeble man? A Yes, he was old and feeble.
Q He seldom ever got out away from his house? A No, sir, only short distance.
Q When you first knew him he was that kind of man? A Yes, sir.

J. L. CLINKENBEARD, being duly sworn, testified as follows in part of the Cherokee Nation:

LR. HUTCHINGS:

Q State your name? A J. L. Clinkenbeard.
Q What is your post office address? A Vinita.
Q How old are you? A 56.
Q Were you ever an applicant for citizenship before the Tahee citizenship Court in Tahlequah? A Yes, sir.
Q About what time was that? A September '81, I think.
Q Did you meet there about that time, one Elbert or Buck Dawson?
A Yes, sir.
Q How did you happen to meet him? A He and I stopped at the same place, ran'n by the name of Sharrow.
Q You and he stopped there, did you, board there? A Yes, sir.
Q Well, did you have any talk about citizenship cases, yours and his? A
A Yes, sir.
Q Where did he state that he was from? A Texas.
Q Well, state what you can remember of the conversation between you from time to time about citizenship in the Cherokee Nation?
A Well, we were there on the same business and we talked about it at different times, and in talking about the evidence we had there I, of course, told him how many witnesses I had and what I could prove and so on, and he said that he didn't have but one witness, Dr. Boler from Arkansas, and he what was 85 or 90 years old, he said, and he hadn't come and said he was to have met him there, but he hadn't come.
Q Well, what did he say about the doctor's knowing anything?
A Well, he said he was 85 or 90 years old and didn't know straight up.
Q Well, did he say anything about giving him whisky?
A Well, he said he could give him four drinks of Arkansas whiskey and he could swear that black man white.

Q What he said about what money would do in Texas or Indian Territory? A Well, in talking about the evidence, he said that money had a great deal to do here go down in Texas and he said "I come to get the lay of the land" and he says "I found out it goes here," or words to that effect.
Q Did he say what he had to spend on the question? A Well, he said that he could stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.
Q What did he tell you what he thought about the necessity of witnesses anyhow? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.
Q Well, where did he go from there? A He and I left there together; he came to Muskogee by way of Fort Gibson and there we parted.
Q Did you ever see him after that? A I saw him about two years or something like that afterwards.
Q Where? A Vinita.
Q Did you refer to the citizenship matter? A I asked him how he came out and he said all right.
Q Was he deformed in any way this man? A He had a crippled hand or stiff finger; I don't remember just what it was now.

MR. McKENNON:

Q Your first conversation with him was in '01 was it? A Yes, sir.
Q What time in '01? A September.
Q You were then an applicant for citizenship? A Yes, sir.
Q Were you admitted? A No, sir.
Q You are still an applicant? A No, sir.
Q You are still wanting to get in as a citizen of the Cherokee Nation? A No, sir; haven't quit it entirely.
Q What business are you in now? A I am running a dairy in Vinita.
Q When did you make statements now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.
Q How did they ever know that you had had these conversations with Mr. Dawson? A I don't know.
Q You don't know how they found that out? A No, sir.
Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.
Q How, did you approach him or did he approach you? A He approached me.
Q You know why? A No, sir; I suppose somebody I have told something at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have seen Mr. Hastings for years.
Q Now, you say—now was that expression about his giving Dr. Baker three or four drinks of liquor? A He said the old man; he said that Dr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he did or not; he said he was 85 or 90 years old; he said he didn't know straight up; said he could give him three or four drinks of Arkansas whiskey and he would not know black or white.
Q Now, he said that did he? A Yes, sir.
Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.
Q You say you next saw Dawson at Vinita? A Yes, sir.
Q How long afterwards was that? A About two years, I think something near that.
Q Did he move to the Territory? A Yes, sir he lived at Vinita at one time.

Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I sent the others to the country.
Q Do you run a dairy wagon there? A No, sir.
Q You serve on the jury a good deal? A I have been serving on the Petit jury there this winter.
Q Generally? No, sir.
Q Are you a kind of a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel and served.

C. C. BRAUGHT, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A C. C. Braught.
Q What is your age? A 62 29th day of last January.
Q What is your post office? A Fairland.
Q How long have you been living in the neighborhood of Fairland?
A Been living there 19 years.
Q Do you know one Bud Dawson or F. M. Dawson as his name is?
A I do.
Q How long have you known him? A About 13 years.
Q How close do you live from him? A Half a mile of him.
Q Does he still own that place? A I think he does.
Q Were you an applicant for citizenship along about '81 or '2 at Tahlequah? A Yes, sir.
Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.
Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the time that you had these conversations as near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to put up; he said it cost him $700 to get in; he said he paid one witness three hundred dollars.
Q Did he state the name of that witness? A No, he did not.
Q Who did he say he made arrangements with? A He said he made arrangements with the Court; that is, heads of families to get them in at one hundred dollars apiece.
Q Do you know what time of the year tht was, whether it was in the summer or not? A I think it was in June.
Q Did he make any other statements to you at any other time?
A No, sir, I don't think he was in regards to that matter.
Q You have been living neighbors with him? A Yes, sir.

MR. McKENNON:

Q You say this was about June of '83? A I think it was in June, 1883, I won't be positive whether it was June or not.
Q You were an applicant; were you admitted? A No, sir.
Q Have you been admitted? A No, sir.
Q You are still an applicant? A Yes, sir.
Q Still trying to get in? A Yes, sir.
Q Where was this conversation had? A Had at Bud Dawson's house.
Q What part of the premises? that is, in his residence?
A Yes, sir.
Q In the house? A Yes, sir.
Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.
Q Was there more than one room? A I won't be positive but I don't think there was but one room, log house.
Q Just one room? A Yes, sir.

Q And in that room he made this statement to you? A Yes, sir.
Q He and you are enemies are you not? A No, I don't think we are enemies.
Q You are not friendly at all? A Friendly part of the time, and part of the time we ain't.
Q Haven't you had considerable trouble about the lands between your farms? A No, sir; we ain't had any trouble.
Q Didn't you have his little boy arrested recently for a difficulty?
A Yes, sir.
Q And you say that you are not on bad terms with him?
A Why we speak, have conversation, have right right along all the time.
Q Is it not a fact now that you and he have been all the while at outs? A No, sir.
Q You don't have any unkind feeling towards him? A No, sir.
Q What were your other remarks? A I said no, sir, I didn't have any unkind feeling towards him.

(It being 5 o'clock, the Commission adjourns until 8:30 o'clock to-morrow morning.)

March 19, 1902.
Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of Counsel for Applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. G. BRAUGH, re-called, further testified:

MR. McKENNON:

Q Mr. Braught, you were a claimant under the Watts family are you not? A Yes, sir.
(witness excused.)

CHARLES D. KENNEY, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Charles D. Kenney.
Q What is your post office? A Dawson now.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; supposed to be.
Q Recognized as such are you? A Yes, sir.
Q How old are you? A There is no family record, my parents died when I was young, I just guess at my age, I am somewheres between 44 and 45 years old.
Q Were you personally acquainted with one Elbert or Buck Dawson?
A I knew Buck Dawson when I saw him.
Q Did you know him in the state of Texas, if so state what time?
A I knew Buck Dawson, knew him and saw him at different dates in Texas.
Q Well, in the year '81 in Clay County, Texas, did you ever see him?
A It was in '81 or 82, I think I knew him in both years.
Q Did you ever have any conversation with him in the presence of Bill Smith, Miles Pilgrim and Joe Preston about his application for citizenship in the Cherokee Nation? A Mr. Dawson and Pilgrim were talking in regard to grass down there before me one time and

it was mentioned, I was going up on the strip and Buck Dawson says "he an Indian" and Jiles said "yes, he is an Indian", and "By God," I believe is the way he spoke, "if I was an Indian I would not be punching cattle, I would have stock eating my grass."
Q What did he say about making application? A He said he was going to the Chickasaw Nation and prove up and get him some grass.
Q Who was that? A Buck Dawson.
Q Well, did anybody suggest about his going to the Cherokee Nation?
A Yes, sir, I told him, I says "Why don't you go to the Cherokee Nation, why don't you go up home" I believe is the way I spoke it, "up amongst God's people;" and he says "are they all white like you?" and Jiles spoke up and says "majority of them."
Q Well, what did he say to Jiles then? A He says "let's go up Jiles', just in a whole crowd of cow punchers, and Mr. Filspin says "Hell, I am going; brother John is getting ready to go now."
Q Well, then what did he say to you? A He says "Who are your best lawyers up there, Kenney," and I told him "Hooley Bell was counted the brainiest man in our country."
Q Well, do you know whether he claimed to have any Indian blood or what he was claiming in that country, whether white man or Indian?
A No, sir, I could not say what he was; he was generally known down there as Buck Dawson, a citizen of the State of Texas, that is all I know of him.

Mr. McKennon: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKennon:
Q Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Rusk County, Texas. B. W. Alberty was my guardian.
Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date.
Q About what time? A It was sometime in '80 though.
Q What tribunal first? A I don't know; I don't know either when I was admitted, I was re-instated at Council.
Q When? A I think it was in '87 or '88.
Q Haven't you been arrested for crime and charged with crime?
A Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande.
Q For what offense? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road.
MR. HASTINGS, of Counsel for Cherokee Nation:
Q Were you ever convicted? A No, sir.
Mr. McKennon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. BABBART, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name, please? A Thomas B. Babbart.
Q What is your post office? A Welvin.
Q What is your age? A 49.
Q Are you a Cherokee by blood? A Yes, sir.

Q Did you know one James Dawson? A Well, yes; I did; I have seen him time or two.
Q Were you in Tahlequah about the time he had an application before the Cherokee or Snake Puppy Citizenship Court? A Yes, sir; I was there about the time the case was settled.
Q Did you know Aaron Butler? A Yes, sir.
Q Who was he? A He was a Cherokee Interpreter for the Court.
Q Do you know James Smith? A Yes, sir.
Q Who was he? A He was the Nation's attorney before the Court.
Q Well, did you about that time have a conversation with either Aaron Butler or Jim Smith in company with Mr. James Dawson? A Yes.
Q State the full particulars of it? A About that time this man Dawson and Butler come to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.
Q Well, did he say anything about whether he could get his case submitted if he had some money? A Well, from the language to me and Butler, he wanted this money; Smith had agreed to submit the case without further evidence in the matter.
Q Well, did you let him have the ten dollars? A Yes, sir.
Q Where did they go then? A They walked off up towards town.
Q Did they go together, those three? A Yes, sir.

MR. McKENNON:

Q Was that James Dawson, the leading applicant in that case?
A Yes, best of my recollection that was.
Q How old a man was he? A I don't know; I could not tell you; he looked, I don't know, he might have been—could not tell you just about how old he was.
Q Well, about how old was he, 35, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.
Q Is he living or dead? A I don't know.
Q Where have you been living? A I have been living down here near Tahlequah.
Q What was the man's name, Dawson's name? A Jim Dawson I think.
Q You are certain of that? A Yes, sir; I am pretty certain.
Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.
Q Dawson took you off to one side? A Butler took me to where Dawson was and introduced me to Dawson and vouched for Dawson being all right for the money.
Q When did you first make a statement of this matter to anybody?
A I guess—I don't remember when.
Q How long have you been in Muskogee this time?
A I have been here since, I was summoned here last Friday.
Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.
Q When? A Oh, about, first I remember it was been about two years ago, and Butler was talking to me about it; it was at my house.
Q Were you born a citizen? A Yes, sir.
Q You weren't admitted to citizenship by the Courts or Council?
A No, sir.
Q You have been living in the Cherokee Nation all your life?
A Well, I was born and raised here; ; I haven't been here all the time; I have been out and in.

Q You have never seen that man Dawson since? A If I have I have never known it, but I seen him the next day.
Q You saw him and took a good look at him, and know about what kind of man he was? A I saw him around there about several times.
Q You think he was about 35 or 40 years old? A That would be my guess at it, my recollection.

Mr. McKennon: Applicants object to the testimony of this witness, all of it, because it is wholly incompetent and irrelevant.

DELIA A. BREWER, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your full name? A My husband's name was O. P. Brewer, but generally I sign my name Mrs. D. A. Brewer.
Q What was your full maiden name? A Delia A. Vann; well it was really Delilah but I never was called by that name, it was De altogether in my young days.
Q What was your father's name? A His name was Joseph Vann.
Q Was he called by any nicknames and if so how many, and what?
A None but the Cherokees, the full-bloods called him Joe Aney.
Q What does that name mean when you talk English? A Rich Joe.
Q Did any of them call him Big Joe Vann? A I don't know; he was a large man; larger than the other Joe Vann.
Q There was another Joe Vann? A Yes, sir.
Q Did your father have any sisters and brothers? A He had quite a number of sisters.
Q Did he have a half sister? A Had two half brothers.
Q Did he have a half sister? A Had several half sisters.
Q Who did they marry? A Different persons: I know the names of all of them but I have a bad memory, but I know that there was one, a Mrs. Ibbie Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.
Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.
Q Never had any Rogers kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.
Q The Dawson case was talked of here for many years, they claiming kin?
A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that my family was prominent enough that they never claimed kin.
Q They never claimed kin at all? A No, sir.
Q Did your father ever had a sister or half sister by the name of Annie, Anna or Alsey? A No, sir.

Mr. McKennon: Applicants object to all the testimony of this witness because it is incompetent and irrelevant.

SAMUEL TOLLIVER DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Samuel Tolliver Dawson.

Q What relationare you to the Dawsons? A Well, I am not acquainted with none of these Dawsons, I guess I am cousin, that is what he told me.
Q Who was your father? A Samuel Riley Dawson.
Q What did you say your father's name was? A Mile Dawson.
Q Do you know what his full name was? A Samuel Riley Dawson.
Q What children had your father? A Why, he has got, you mean his first children or his whole family?
Q I want all of his children? A I don't know, I will have to count a while on them, there was nine or ten of them.
Q Just one or two of them I care for: is Mrs. Lewis your sister?
A Yes, sir.
Q Your full sister? A Yes, sir.
Q Was she a daughter of S. R. Dawson, Jr.? A Yes, sir.
Q Now who were the parents of your father, , Samuel Dawson?
A Why Sam Dawson was his father.
Q Sam Dawson was his father? A Yes, sir.
Q What was Sam Dawson's wife, if you know their family history, what your father said or what your grandfather said? A I have heard that she was a Pruitt, my father said; of course I don't know.
Q What was her given name? A Annie.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q Saw him? A Yes, sir.
Q Do you know about how old he was when he died? A He was somewhere up about 90.
Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.
Q Was your father his youngest child? A Yes, sir.
Q Do you know about when your father was born? A Well, no, I don't, he died in '90 and he was 67 years old.
Q He died in about '90 and was about 67 years old when he died?
A Yes, sir.
Q And he was the youngest child? A Yes, sir.
Q Now, do you know how many children your grandfather had , that is brothers and sisters of your father? A I heard him say seven.
Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?
A Well, I heard my father speak about it, I don't know that I ever heard my grandmother say anything about it.
Q Well, what did he say about it? A I have heard him say his mother was not an Indian.
Q Did your fathercome here and apply once for citizenship?
A Yes, sir.
Q Was he admitted? A I think not.
Q Did you hear him make any statements about he ground he expected to get in? A He said his brothers had proved their rights here and if his brothers had any rights he did, but I don't know.
Q Well, in that connection did he say whether his mother was an Indian or white woman? A Never heard him say that his mother was a white woman in speaking about that, I don't know whether he said anything about that or not; I have heard him say his mother wasn't no Indian.

Mr. McKennon: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

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(Taking of testimony continued by Stenographer M. D. Green)

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

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(Continued from testimony taken by Steno. J. O. Rosson.)

March 19th. 1903, at Muskogee, I. T.

Appearances:
Mr. A. S. McKennon and Mr. Hallette, attorneys for the applicants.
Mr. W. T. Hutchings, and Mr. W. W. Hastings, attorneys for the Cherokee Nation.

EMMA BRASHIERS, being first duly sworn, and being examined testified as follows:
BY MR. HUTCHINGS:

Q State your name? A Emma Brashiers.
Q What was your maiden name? A Emma Dawson.
Q What was your father's name? A Samuel Riley Dawson.
Q What was his father's name? A Samuel.
Q What was your grandmother's name? So far as you know from family history? A Her maiden name was Annie Truett.
Q Then your father, if I understand you, was the son of Samuel Dawson and Annie Dawson, nee Truett? A Yes, sir.
Q Did your father have a brother named Robert, and a brother named James? A Yes, sir! that is what I was told.
Q And had a sister named Mrs. Petty? A Yes, sir.
Q And another one named Mrs. McGee? A Yes, sir.
Q And another brother named John? A Yes, sir.
Q What relation are you to Mrs. A. S. Lewis? A Sister.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q You have a distinct recollection of him? A I, yes, I can remember him, but I was small.
Q About how old were you you suppose when your grandfather died? A About 6.
Q Was your father's birth recorded in the family Bible? A Yes, sir.
Q You know whether your grandfather's record of marriages and births were recorded in any Bible or not? A I was, but we haven't it.
Q What became of it? A Got burned.
Q Well, about what year do you reckon that your father, Samuel Dawson was born? A I believe it was '25.
Q In 1825? A Yes, sir.
Q And how old was he when he died, if you recollect? A He was between 64 and 67.
Q Did you ever hear your father speak of his relations, his father and mother, as to whether they were white people or Indians? A Yes, sir, they were white people.

Q. You know whether in the family you grandmother was spoken of by the name of Annie, always? A Yes, sir.

BY MR. McKENNON: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

ALEX S. LEWIS, being first duly sworn and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A Alex S. Lewis.
Q What is your post-office? A Dawson, Indian Territory.
Q How old are? A 59 years.
Q What was your wife's maiden name? A Elizabeth Perales Dawson.
Q Who was your wife's father and mother? A Her father was Samuel R. Dawson and her mother was the wife of Samuel R. Dawson, did you want her maiden name?
Q Well, if you know the maiden name of your wife's mother, state how you know it? A Well she was called Margarett, Margarett Queen was her maiden name.
Q The maiden name not of your wife's father's mother? A Why the maiden name of my wife's father's mother?
Q Yes, sir? A From what her husband and my father-in-law told me it was Annie Pruett.
Q What was the name of your wife's father's father? A My wife's grandfather on her father's side, Samuel Dawson.
Q And his wife's maiden name was Annie Pruett? A Yes, sir.
Q Did you know the old gentleman, Samuel Dawson, you wife's grandfather? A Yes, sir.
Q Personally? A Yes, sir.
Q What opportunities had you to get acquainted with him? A He lived with his youngest son, my father-in-law, and visited me, my wife and I, after we were married, stayed with us quite a while; I lived near my father-in-law and so visited very often.
Q When did he die? A '74.
Q Have you any particular method of recalling that date? A Well, I was away from the house when he was taken sick, and they sent for my wife and myself, and so when I got home my wife had gone to her father's to see her grandfather, he was sick, and I remember my first wife was a baby at that time.
Q And when was your first child born? A He was born December, '73.
Q You know how old you wife's father was when he died? A Why he was up in 60, but I don't remember his age.
Q Did the old original Samuel Dawson ever tell you his age? A Yes, sir, several times.
Q How old was he at the time of his death? A He was past 84.
Q Did he ever tell you whether or not his wife Annie Pruett had any sister or brother? A Told me she only had one brother named Bob Pruett.
Q Have any of the members of the family named their children after him? A Make it a little plain, it is a little long: my wife's oldest brother was a particular favorite of his grandfather, and he always took this boy with him everywhere, and he has named one of his,- oldest child for this brother-in-law who was a particular favorite of his grandfather; named it for him I understood.
Q Now, what is his name? A Of course I don't know why he named it, but he gave him the name of Robert Pruett, and I understand it was on account of his grandfather thinking so much of Robert Pruett.
Q Did you ever hear the old Samuel Dawson speak of his brother-in-law? A Yes, sir; I have heard him say but he claimed he knew what had become of Bob Pruett, he never had heard of him for a long

time; didn't know where he was, or whether he was alive or not.
Q Now, I want the children of Samuel Dawson and Annie Pruett, how many of them did you know, first? A How many did I know personally?
Q Yes, sir? A John James, and Samuel R. Those were the only ones of his children that I remember personally.
Q Well, remember what you know of the family, who other children did he have? A Well he had two girls, as I understand the family history, he had two girls, first, and John Dawson was the third child, and the oldest boy was John Dawson.
Q Was John Dawson the oldest boy? A Yes, sir.
Q Which was the eldest girl? What is she known by now? A I think it was Mrs. Petty, nee Bettie Dawson.
Q And John Dawson was the oldest boy? A Yes, sir.
Q And Samuel R. Dawson was the youngest boy? A Yes, sir.
Q You know anything about the time John Dawson was born, have you any way of coming at it, the oldest boy? A Yes, sir, I know what the oldest son and his wife told me.
Q What was that? A They said he was born in 1811.
Q Who was his oldest son? A Toliver H. Dawson; told me his father was born in 1811.
Q Do you remember now whether the old man had occasion to say whether his wife, Annie Pruett was an Indian or white woman, or ever said anything about it? A I know what the old man said what she was, I don't know that I ever heard the question approached in that way, I have heard him speak as to her blood, but it was in a different way that he reached it.
Q What blood did he say she was? A Well he said that she was the daughter of Mrs. Pruett, a white woman; and that her father was Captain John Rogers, a white man who lived with the Cherokee Indians, and traded with them.
Q Did he say who Captain John Rogers afterwards married? A Said he had a wife in the Cherokee Nation.
Q But that Annie Pruett was not her child? A No, sir, she was the child of Mrs. Pruett.
Q A white woman? A Yes, sir, that was the half sister of Bob Pruett.

BY MR. McKENNON:

Applicants object to all of the testimony of this witness, because it is wholly incompetent and irrelevant.

Q Did ever you apply for citizenship here? A Yes, sir; for my wife.
Q When? A My father-in-law made the application, I don't know exactly when it was, I think probably about '86, I couldn't say as to the date.
Q Before the Cherokee authorities? A Yes, sir.
Q Did he file an application before the Dawes Commission in 1896 also? A Him.
Q Yes, sir? A I don't think he did, no sir.
Q Did you? A I did.
Q On account of your wife? A Yes, sir.
Q Did you make affidavit to that application? A No, sir.
Q Who did? A I don't know, don't remember now.
Q You applied for your wife as an Indian by blood did you not? A Yes, sir.
Q Are you still an applicant? A No, sir.
Q Is she? A No, sir.
Q She was denied was she? A Yes, sir.
Q Was there an appeal taken from that? A Application was filed if I remember, before the Dawes Commission, and they rejected the case, and then I appealed it to the District Court, and it was rejected there and then I stopped.

Q Have you ever been arrested for any crime? A Yes, sir.
Q What? A Charge of murder.
Q Anything else? A No, sir.
Q Convicted on the train? A Yes, sir.
Q In a train robbery? A Yes, sir, in a train robbery.
Q How long did you remain in jail? A Appealed the case to the Supreme Court, and it was reversed and sent back, and I was acquitted on that charge.
Q That all the crime you were ever charged with? A Yes, sir.
Q Haven't you been having some trouble with the Dawson family? A Well as personally I have no trouble with any of them, there is one of my boys and one of W. A. Dawson's sons-in-law had some trouble.
Q You are not friendly with the Dawson family? A That son-in-law Mr. Wooley, and myself, don't speak, and I don't think his wife speaks to me either.
Q Well you are claiming some sort of lease on the Wooley farm, aren't you? A No, sir, I don't claim any lease on the Wooley farm.

B. W. ALBERTY, being first duly sworn, and being examined, testified as follows:
BY MR. HUTCHINGS:
Q State your name? A B. W. Alberty.
Q What is your post-office? A Tahlequah.
Q What is your present official position in the Cherokee Nation? A Assistant Executive Secretary of the Cherokee Nation.
Q As such have you charge of the citizenship records and books etc. of the Nation? A Yes, sir.
Q Have you made search recently for the original records in the various cases of the Dawson family before citizenship courts in Council? A Yes, sir.
Q Have you got what records you found with you? A I find what's supposed to be the original papers in the case, all that I could find. (Produces papers and hands to Nation's attorney.)
Q Where did you find these papers? A I found them in the desk in which papers of that character are filed away in the Executive Office at Tahlequah. (Applicant's attorneys examine papers produced by witness.)
BY MR. HUTCHINGS: The Nation here introduces in evidence an envelope marked No. 108, the names on the back of it are Robert, Elbert, Jasper, John, Frances, Marion, Josephine, Joseph, Jane, Mollie, Filburn, James, Rial Dawson, versus the Cherokee Nation; the envelope and its contents.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced by the Cherokee Nation is indorsed as follows:
"No.108, Rob. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Filburn Dawson, James Dawson, Rial Dawson, vs Cherokee Nation, Petition for Citizenship, filed Sept. 24, 1881. Admitted Jan 11th, 1883, D. W. C. Duncan, Clerk."
In pencil: "Robt Dawson."

The said envelope contains a document as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19th, 1883.

No. 108 Robert Dawson, "et al."
vs.
Cherokee Nation.

Testimony for Claimants.

Witness:

Dr. Baker sworn testified as follows. My name is Arthur Baker I reside at Berrivill, Arkansas, Carroll County, my age is 73 years, I am not a Cherokee, I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County more thirty five years (line drawn through the last three words.) 35 years at my mother's house near Calhoun I became acquainted with the claimants Robt Dawsons grandmother on mother's side, she was frequently at my mother's house; though she Anna Pruit lived in the Nation side. She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee; the first time she brought the claimant's mother to my mother's house she the claimant's mother was about grown, when I was a little boy she called her daughter Polly Rogers said Capt. John Rogers who ran a boat up the river was the father of the child; I saw the girl frequently there at my mother's and there at Louis Rosses Store I saw her occasionally until I was 15 or 16 years old and I think then Old Capt John Rogers took her off to school. I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of Old Samuel Dawson. I stayed all night there and she and I had a talk over our old matters, and I asked her when she became acquainted with Dawson and she said at the time she was going to school. And she said after she left school that Dawson followed her home to the Nation and they were there married. I have told that precisely in the words she used.

Capt John Rogers claimed to be one fourth Cherokee, the claimant is the son of Polly Rogers and I know Polly Rogers to be the daughter of Anna Pruet, and I know the claimant to be the son of Polly Dawson Capt Rogers then resided in the Cherokee Country about twelve miles from Calhoun on the Hiawassa River.

Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawsons when I got acquainted with them Arkansas were recognized where they were as Cherokees, Robt Dawsons children is Buck, John, Marion, and two girls; the children named in the petition I recognize as being the claimants.

Cross examined by Solicitor:

Ques. 1 How many children did Polly Rogers have?

Ans. 1 Five, I think that's all

Ques. 2 Did you say something about someone being married twice?

Ans. 2 The claimant was married twice.

Ques. 3 Could Anna Pruet speak English?

Ans. 3 She could speak it well

Ques. 4 Did Polly Rogers speak English?

Ans. 4 She could when she was young.

Ques. 5 How old was the claimant?

Ans. 5 About 3/4

Ques. 6 Was he a citizen of the Cherokee Nation?

Ans. 6 He was both by birth and by the last payment in the Eastern part of the State.

Ques. 7 Which Harnage was it went to Texas?
Ans. 7 George went first then John went they were the sons of old man Harnage that lived up here near the line.
Ques. 8 Did the claimant go to Texas?
Ans.8 No the clairant didn't go to Texas.
Ques. 9 What connection was claimant and Polly Rogers?
Ans. 9 The claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.
Ques. 10 Where does claimant now live?
Ans. 10 He lives in Carroll County, Arkansas.
Ques. 11 Do you know what relation old Captain John Rogers was to Charlotte Rogers here in Coowescoowee?
Ans. 11 They claimed kin but what kin I dont know there were two Capt. John Rogers' in the Nation I am speaking of the time when I first came to this 1830 Country about the year 1830.
Ques. 12 Was Anna Fruet the maiden name of Claimant's grandmother
Ans. 12 Yes that was her maiden name the Indians called her Sinee.

his
(signed) Arthur. A. x Baker.
mark

Witness' hand paralyzed is the reason he signs by a mark thus "x". "

The above document is indorsed on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case, Robt," Decided by the Tahee Court in 1883. A. Riley Dawsons Step daughter a white woman married a white man, named August Bulaska."

BY MR. HUTCHINGS: We further introduce envelope N. 101, of E. Dawson for his grand-children, versus the Cherokee Nation, and its contents, to-wit: The Petition and affidavit of F. M. Dawson, and the testimony of Joseph Dawson.
(Hands papers referred to to applicant's attorneys.)

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The [illegible] above introduced is endorsed as follows:
"[illegible] vs the Cherokee Nation. For his grand children [illegible] citizenship. Filed Sept. 14th, 1883, D. W. C. [illegible] Com. Decided Sept.13, to be Cherokees.

The [illegible] are as follows:

"Office of Commission on Citizenship.
Tahlequah, Cherokee Nation, Sept. 14, 1883.
E. Dawson,
No.101. vs for his grand children,-
Lula Dauthett,
Dallas Dauthett,

F. M. Dawson for Claimant introduced sworn and in open Court testified as follows:
My name is F. M. Dawson. Am a Cherokee by blood reside in the Cherokee Nation am 30 (40 written over it) years old.

I saw the Claimants, Lulu Dauthet and Dallas Dauthet in Vinita, and know them to be the grandchildren of my brother E. Dawson who is a recognized Cherokee by blood. L. M. Dauthet, the father of the Claimants, Lulu and Dallas is a white man Dauthet's wife the mother of Lulu and Dallas was a Cherokee, the daughter of my brother E. Dawson, she is now dead. The oldest of these applicants is about 9 years old. I have known them about 8 years. These children is now living with their father. One is a girl and the other is a boy. I had been acquainted with her mother all her life. If she had been now living she would have been about 25 years old -- She has been dead about 4 years as well as I can recollect, She was about 17 years old when she was married.

his
(signed) F. M. x Dawson,
mark

Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, Sept. 14, 1903.
No.181 E. Dawson
for his grand children
Lulu Dauthett
Dallas Dauthett

Joseph Dawson introduced for Claimants, sworn in open Court testified as follows:

Jos. Dawson, am a Cherokee live in the Cherokee Nation, am 71 years old.

Lulu Dauthett and Dallas Dauthett, the Claimants are Cherokees. Fannie Dawson was their mother. Fannie Dawson was a Cherokee, that is what I was always told. Her father was E. Dawson. E. Dawson was my brother. Mrs. Dauthett is not living now: the last time I saw Lula, and Dallas Dauthett, they were in Texas. But I have heard since that they are in the Cherokee Nation. E. Dawson recognizes them as his grandchildren and I have known them ever since they were born.

By Solicitor:

Lula is about 10 years old. The Dallas is about 5 or 6 years old. I heard that their father is now at Vinita Cherokee Nation, E. Dawson is Elbert Dawson. The applicants' mother has been dead about three or four years. She died at Hillsboro, Texas.

I was not present when their mother and E. Dawson had eight children to the best of my recollection, or 9. Fannie, Francis, Cartenas, Janie, Bob, Smith, Norsh, Bert, Ella. All living but two, Fannie and Smith. They are all living in Texas when I left there. I am a brother to F. M. Dawson, we are full brothers. My father has been admitted to Cherokee Citizenship by this Court.

his
(signed) Joseph x Dawson,
mark

To the Commission on Citizenship,
Tahlequah, C. N. Sept. 13, 1903.
E. Dawson for grandchildren,
Lulu Dauthett,
Dallas Dauthett,
vs
Cherokee Nation.

Now comes E. Dawson petitioning for the Cherokee rights of his grandchildren, Julu Dauthett & Dallas Dauthett, by virtue of their Cherokee blood, which was derived from the

Dawson family, who is acknowledged Cherokees by admission of your Hon. Court, at its last session in January, 1883, in view of the facts ask your Hon. for a speedy and favorable consideration of our claims.

(signed) S. Dawson for grand children,
By O. H. Taylor."

This last document is indorsed on back as follows: "No. 181, Petition of Laila, Douthett & Dallas Douthitt, for Citizenship Filed Sept 14, 1883, D. W. C. Duncan, Clerk."

BY MR.HUTCHINGS: Now we desire to introduce the judgment in the case of S. R. Dawson, and others, of the Commission on Citizenship, found on page 20, of Record Book B, of the Citizenship cases in the Cherokee Nation, said book having been turned over to and now in the custody of the Commission; the judgment being dated April 26th, 1889.

BY MR. McKENNON: To the introduction of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

Record above introduced is as follows:

"Office of Commission on Citizenship,
Tahlequah, C. N. August 11th, 1887.

Docket No.	Names,	Age	Sex	Post Office.	Attorney
	1 S. R. Dawson,	56		Catoosa,	
	2 Parlee Dawson,	44	female	"	
307	3 Amerien J. Dawson,	35	"	"	
	4 Katharine J. Dawson,	33	"	"	
	5 J. G. Dawson,	31	male	"	
	6 Elias F. Dawson,	29	"	"	Bell &
	7 Toliver Dawson,	27	"	Applicant for Cherokee Nation.	Bryant.
	8 Eva Dawson,	20	female	"	
	9 Fanny Dawson,	18	"	"	
	10 John Riley Dawson,	11	male	R.	
	11 Robert E. Dawson,	9	"	"	
	12 Claud Dawson,	7		Ancestor	
	13 Cleveland Dawson,	5		John Rogers	

— filed August 11th, 1887."

In red ink written along Age column is the following: "Rejected April 26, 1889."

"Now this day comes the above case for final hearing, Samuel R. Dawson, bases his application for readmission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the alleged daughter of Captain John Rogers and Chilsey Pruitt, said to be a half sister of Joseph Vann, commonly known as Rich and who were of Cherokee blood. It is admitted that John Rogers and Chilsey Pruitt died before the roll upon which their names would appear if living at the time and specified in the 7th section of the Act of December 8th, 1866, creating the Commission on Citizenship, were made but in support of the application it is urged that certain members of the Dawson family and full brothers of the applicant were re-admitted to citizenship by the Commission on Citizenship commonly known as

"The Tehee Court", and the "Spears Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which determined the decision of those Commissions of the testimony now introduced to authorize the admission of the present applicant is not relivent to the issue now pending. The 7th section of the Act of December 8th, 1886, before named provides, that "The Commission shall give a hearing to any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States." As are hereafter enumerated. Neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Jounnah Barber nee Jounnah Dawson and Jane Queen, nee Jane Dawson, and their families, as enumerated in their respective applications.

(signed) Fill P. Ross,
Chairman.

This April 26th, 1889.
(signed) D. L. Williams,
Cl'k Com'n."

(signed) R. Bunch, Commissioner,
John E. Gunter, Com'nr.

BY MR. HUTCHINGS: The Nation now introduces the envelope in the case of James K. P. Dawson, and the contents, being the original testimony in the case of E. Dawson; also the judgment in said case, found on page 116, in book C., containing the records of the Citizenship Commission of the Cherokee Nation, the date of said Judgment being April 26th, 1889; this book being also in the custody of this Commission.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope above introduced is indorsed on back as follows:

"Name, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - Years. - - Roll of 1835, Ancestor, Riley Dawson, filed the 5 day of Oct. 1887, Docket 989, Book C Page 116, Testimony on Journal - - Page - - - Decision of Commission Rejected 26 day of April 1889
Rejected."

The contents of said envelope are as follows:

"A. J. Dawson, et al.,) Office Com. On Citizenship,
(vs) (
Cherokee Nation.) Tahlequah, I. T. Sept. 7th, 1887.

E. Dawson, who being duly sworn, upon his oath, deposes and says as follows, to wit:

I am a citizen of the Cherokee Na ion and reside in Coowescoowee Dist. and am 55 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I have known him personally about three (3) years, He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a realtion of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee river in Tenn. I think he had four (4) children. I never saw any of them but Andrew J. Dawson, and Jim Dawson.

-Cross Ex.-

Joe Dawson has been dead about 35 years he lived west of the Mississippi River, I understand. My father had four brothers. I don't know how long Jou Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of my Uncle Jou Dawson, is from what he himself has told me, - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me- My grandfather being a Dawson and a white man.

Attest

Connell Rogers,
Clk. Com. on Citizenship."

This document is indorsed on back as follows:
"Testimony of E. Dawson in case A. J. Dawson."

The judgment above introduced, and found on page 116 of Book C of the Dockets of Cherokee Citizenship Commission, is as follows:

"James K. P. Dawson,
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind, Ter., Oct. 5, 1897.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	James K. P. Dawson,-		male		
2	William A. Dawson,				
3	Richard A. Dawson,				
889					C. H. Taylor.

vs.

Applicant for
Cherokee Citizenship,
Census Rolls 1835
Ancestor,
Riley Dawson.

Cherokee Nation. "

In red ink along age column are the words: "Rejected April 26, 1899."

- - - - - - - - - - - - - - -

"Adverse to Claimant.
See decision in this case in the case of S. R. Dawson in Book (B) Page 20.
This April 26, 1899.
D. S. Williams,
Clk Com.

Will P. Ross,
Chairman.
J. M. Hunter, Com."

BY MR. HUTCHINGS:

The Nation desires to introduce the original envelope and its contents in the case 196, of Rebecca Dawson, being the application and judgment in the case, also the judgment as copied into the record, Book C, on page 144, the date of said judgment being August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope just introduced is indorsed on the back as follows:

"196, 1, Name Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address Emmet, I. T., Age 48 years, 1835, to 1852, Poll of 18— Ancestor Maton, Filed the 5 day of Oct 1887, Docket 1017 Book C Page 144, Testimony on Journal- Page - - Decision of Commission, Rejected 28 day of August 1889. Submitted by Mr. Rasmus, Aug. 28, 1889." R"

The contents of said envelope are as follows:

"APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship:
Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Consittution, and with an act of the National Council approved December 8th, 1886, creating your Commission, And respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Maton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds for this application for Cherokee citizenship by blood, and respectfully awaits the time when Application shall be duly heard and tried in accordance with the aforesaid law.

Age, 48 years; Postoffice, Emmett, Chic. Na. family with their relationship attached is as follows:

No Name Sex Age Relationship.

In witness of which application I hereto set my hand on this the 4- day of October 1887.

(signed) Rebecca Dawson,

Boudinot & Rasmus,
Attorneys."

- - - -

Rasmus withour evidence the Commission decide tht Rebecca Dawson, Age 48 yrs is not a Cherokee by blood a d are not entitled to citizenship in the CherokeeNation Post Office Emmet Texas - - I. T.

(signed) WILL P. ROSS,
Chairman,
J. E. Gunter, Com."

- - - - - - -

The judgment found in Book C, Records of Commission on Citizenship, Cherokee Nation, page 144, is as follows:

"Rebecca Dawson.
OFFICE COMMISSION ON CITIZENSHIP.
Tahlequah, Ind. Ter., Oct. 5th, 1897.

Docket No	Names	Age	Sex	Post Office	Attorney.
1	Rebecca Dawson	48	female	Emmett, I. T.	

1017

vs.
Boudinot & R.
Applicant for
Cherokee Citizenship.

Census Rolls, 1835,
to 1852.
Ancestor,
Moton.

V. S.
Cherokee Nation.

- - - - - - -

Office Commission Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug. 28th, 1899.

The above case was called and submitted by Attorney Rasmus without evidence. The Commission decide t at Rebecca Dawson, aged 48 years is not a Cherokee by blodd and not entitled to Citizenship in the Cherokee Nation.
Attest:
E. C. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J. E. Gunter, Com."

BY MR. HUTCHINGS: The Nat on next introduces t e original envelope and contents in the case 198, of Mary Dawson, the contents being the application for citizenship, and the judgmeny as written up by the Court; also the judgment of the Court as copied in Book C, page 145,- said judg ent being rendered August 28th, 1899.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced is indorsed on back as follows:

"198, 2, Name, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Bowie, Texas, Aged 54, years, 1835 to 1852 Roll of 18- Ancestor, Moton, Filed the -- day of 9 18— Docket 1018, Book C Page 145, Testimony on Journal— Page— Decision of Commission Rejected 28th day of August 1899. Submitted by Mr. Rasmus, Aug, 28, 1899."

"APPLICATION FOR CITIZENSHIP".

To the Honorable Commission on Citizenship:

Gentlemen: The undersigned, your petitioner, this day makes this his Application for re-admission to citizenship in the Cherokee Nation in accordance with the Constitution, and with an Act of the National Council, approved December 8th, 1836, creating your Commission. And respectfully makes the following statement of the grounds of this his application, to-wit:

That Mary Dawson is the Grand Daughter of one Koton who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds of this her application for Cherokee Citizenship by blood, and respectfully awaits the time when her Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 54, years; Residence, Bowie, Texas, family with their relationship attached is as follows:

No.	Name	Sex	Age	Relationship.
1	Walter Dawson	M	18	Son.

In Witness of which application I hereunto set my hand on this the 4 day of October 1887.

Mary Dawson,

Boudinot & Rogers,
Attorneys."

- - - - - - - - - - - -

COMMISSION CITIZENSHIP;
Cherokee Nation, Ind. Ter.,
Tahlequah, August 20th, 1888.

Mary Dawson, et al)
vs) Application for Cherokee
The Cherokee Nation) Citizenship.

The above named case having been submitted by W. P. Rogers, Attorney for plaintiff, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 18 yrs, are not of Cherokee blood, P. O. Bowie, Texas.

Wm P. Ross,
Chairman,
J. B. Porter, Com."

- - - - - - - - - - - -

Said envelope is also containing the following:

APPLICATION FOR CITIZENSHIP

TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen:- The undersigned, your petitioner, this day makes this his application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an act of the National Council, approved December 8th, 1836, creating your Commission. And, respectfully [illegible] the following statement of the grounds of this his application, to-wit: That Mary P. Dawson is the Grand Daughter of one Koton who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1835, the aforesaid [illegible] in the above facts as the lawful grounds [illegible]

in accordance with the aforesaid law.
Age - - years; Post-office - - -; family with their relationship attached is as follows:

Names,	Sex	Age	Relationship.
William A. Dawson	Male		Son.
Richard A. Dawson,	"		"

In witness of which application I hereto set my hand on this the 4th day of Oct 1887.

(signed) James K. P. Dawson,

C. H. Taylor, Attorney."

- - - - - -

The judgment as recorded in Book C, page 145, of the records of the Cherokee Commission on Citizenship, is as follows:

"Mary Dawson,

Office of Commission Citizenship.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	Mary Dawson,	54	female	Bowie, Texas.	
2	Walter Dawson,	18	male		

Boudinot & P.
Applicant for
Cherokee Citizenship.

vs.

Census Rolls 1835 to 1853
Ancestor
- - - - - -

Cherokee Nation.

- - - - - -

Office Commission on Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug 20th, 1889.

The above case having been submitted by W. P. Ross, attorney for claimant, without evidence, the Commission decide that Mary Dawson aged 54 years, and her son Walter Dawson aged 18 years are not of Cherokee blood. Post office Bowie Texas.

Attest:

D. C. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J. [illegible] Gunter, Com."

- - - -

BY MR. HUTCHINGS: The Nat on further introduces the original envelope in the case of Andrew J. Dawson, which said envelope contains his original application; also the judgment in the case recorded on page 38, of Book A, of the records of the Citizenship Commission of the Cherokee Nation, which said records are now in the custody of the Commission; the judgment is dated April 26th, 1888.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced above, is endorsed as follows:

"Name, Andrew J. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP, Address, Nevada, Mo. Age 44 years, - - 1835, Roll of 1835, Ancestor, - - Filed the 11 day of February 1887, Docket 37 Book A, Page 38 Testimony on Journal - - Page, Decision of Commission, REjected, 26 day of April, 1889. Rejected."

The contents of said envelope are as follows:

"To the Commission on Citizenship,

Tahlequah, I. T.,
January 27, 1887.

	Age		
Andrew J. Dawson,	44	years	Male
E. E. Dawson,	16	"	"
Olive M. Dawson,	14	"	female
William H. Dawson,	11	"	Male
Jessy K. Dawson,	9	"	"
Glennie D. Dawson,	8	"	female.

V.S.
Cherokee Nation.

Know comes Andrew J. Dawson, and five children clairing his right to Cherokee Citizenship by virtue of his Cherokee blood, he being a cousin of E. Dawson ad others of the same name admitted to Citizenship by the Tom Tehee Court on Citizenship, which is a matter of record, we submit that as proof of the Juntness of his claim, his ancestors will be found on the roll of 1835.

Respectfully,
Post-office, (signed) A. J. Dawson &
Nevada, Mo. five children,
by C. H. Taylor,
Attorney."

The judgment just introduced and found on page 38 of Book A, Records of Cherokee Commission on Citizenship, is as follows:

"Andrew J. Dawson,
Office Commission Citizenship,
Tahlequah, C. N., Feby 11, 1887.

Docket No Family	Name	Age	Sex		
1	Andrew J. Dawson,	44	Male	Nevada, Mo.	
2	E. E. Dawson,	16	"		
3	Olive M. Dawson,	14	female		
4	William H. Dawson,	11	Male	Applicants for	
5	Jessie K. Dawson,	9	"	Cherokee citizenship,	
6	Glennie D. Dawson,	8	female	C. H. Taylor.	

Rejected April 26, 1889, (red ink.) Rolls 1835,

V.S.
Cherokee Nation.

Ancestors,

Filed Feby 11, 1897.

Adverse.

See decision in this case in that of L. R. Dawson, Book P.20.
rendered April 26- 1899.
D. S. Williams,
Clk Com."

- - -

BY MR. HUTCHINGS: We next desire to introduce the records in the case of this same Andrew J. Dawson, before the Commission to the Five Civilized Tribes, filed September 7th, 1896, and the judgment of the Commission thereon. Number of said case being 4,694. And the judgment of said case on Page 294, Book B., Dawes Commission Record, 1896. Judgment was rendered November 17th, 1896, denying the application.

BY MR. McKENNON:: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The records just introduced, being those filed before Dawes Commission, 1896, in Andrew J. Dawson, et al., are as follows:

Registry Receipt,
Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind Ter., Registered Letter, No. 409, Rec'd, of A. J. Dawson, addressed to S. H. Mayes, Tahlequah, I. T., (signed) D. A. Frayser, L.-P. M.

- - -

"Commission to the Five Civilized Tribes,
Vinita, Ind. Ter., Sept. 7, 1896.

See that you swear to your petition.

Evidence of service of copies of Chief or Governor may be secured as follows: If convenient get his receipt to file with your papers. If you cannot do this, register to him, and have some interested person to make affidavit in form about as follows:

I, S. M. Davidson, do solemnly swear that on the 7th day of September, 1896, I saw a package registered at the Post office at Vinita, Indian Territory, addressed to Hon. S. H. Mayes, Chief of the Cherokee Nation, Tahlequah, Ind. Ter., that registry receipt no.409, received from postmaster, hereto attached, is a receipt to said package, which contained true copies of the application of Andrew J. Dawson, and of the affidavits of E. Dawson and F. M. Dawson in support of same.

(signed) S. M. Davidson.

Subscribed and sworn to before me, on this 7th day of September, 1896.
(Seal)

(signed) T. M. Kornegay,

Notary Public, First Judicial Division,
of the Indian Territory.

Attach receipt to this affidavit and send with papers to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, as we understand that packages are not promptly receipted for by the Chiefs and Governors.

xxx _____
For the Commission."

\- - -

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:-

The undersigned, your petitioner, Andrew J. Dawson. ~~William H. T. Dawson Jesse K. D.~~ (Line in ink drawn through these names) for and on behalf of Lonnie E. V. Dawson, Olive Laud Dawson, William H. T. Dawson, Jesse K. Dawson, Glen Dale Dawson, James K. P. Dawson, William A. Dawson, Maggie E. Dawson, Richard A. Dawson and Mary E. Dawson and heirs, this day make their application to you for the purpose being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the funds and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokee Indians by blood, deriving the same from Captain John Rogers, Polly Rogers, daughter of Captain John Rogers, married Samuel Dawson, whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the years 1817, 1818, 1819 and 1835 & 1838 the same to be submitted to your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his proof in support of said claim, and respectfully awaits the time when his application shall be heard and tried.

Respectfully submitted,
Andrew J. Dawson.

Enrollment of family, with relationship attached, as follows:

Names.	Ages.	Relationship.
Lonnie E. V. Dawson,	25	Daughter,
Olive Laud Dawson,	23	daughter
William H. T. Dawson,	20	son,
Jesse K. Dawson,	18	son.
Glen Dale Dawson,	16	daughter.
James K. P. Dawson,	7	brother.
William A. Dawson,	13	Nephew.
Maggie E. Dawson,	5	Neice.
Richard A. Dawson,	17	Nephew.
Mary E. Dawson,	3	Neice.

IN WITNESS WHEREOF, I hereunto set my hand this Third day September 1896.

(signed) Andrew J. Dawson."

Jurat on back as follows:

United States of America,
Indian Territory,
Northern District.

Andrew J. Dawson, of lawful age, being duly sworn states that he knows the facts set forth in the above and foregoing application and that the same are true as he verily believes.

(signed) Andrew J. Dawson,

Subscribed and sworn to before me on this the 3rd day of September 1896.

(signed) J. A. Tillotson,
Notary Public.

(Seal)
My Commission expires June 8th 1899.

- - - - - - -

Indian Territory,
Northern Judicial District } ss.

Andrew J. Dawson, of lawful age, being by me first duly sworn on oath says that he is 52 years old that his post office address is Afton, I. T. Affidavit further says that he is a citizen of the Cherokee Nation and a Cherokee Indian by blood deriving his Indian blood from Polly Rogers daughter of Captain John Rogers, that Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Hiawathia river while emigrating to the west.

Affidavit further says that Samuel Dawson and Polly Rogers are his Grandfather and Grandmother and that Captain John Rogers was recognized by the National Council of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation of 1852 as follows: An act of the Council of 1842 page 68, an act of Nov. 17th 1843, page 96. also an act of Nov. 16 1849 page 204.

Affidavit further says that he is a blood relation of E. Dawson, T. F. Dawson, Joseph Dawson, and John Dawson who were admitted to citizenship by the Cherokee Nation and whose names appear upon the authenticated rolls of 1893.

(signed) Andrew J. Dawson.

Subscribed and sworn to before me this 3rd day of September A. D. 1896.

(signed) J. A. Tillotson,
Notary Public.

(Seal)
My Commission expires June 8th 1899."

"Indian Territory,
Judicial Dist. } S.S.

T. F. Dawson, of lawful age, being by me first duly sworn on oath says that he is 54 years old; that his post office address is Afton, Indian Territory, Affidavit further says I have known Andrew J. Dawson for the past 10 years and have known him and recognized him as a Cherokee Indian and a cousin of mine, he claims to have originated from the family of Joe Dawson and he was a brother of Robert Dawson my father, and he being an offspring of Sam Dawson, who married Polly Rogers, a daughter of Captain John Rogers, who was a recognized Cherokee Indian.

(signed) F. M. his x Dawson mark

Subscribed and sworn to before me this the 4th day of Sept 1896."

(signed) Frank L. Sharp
Notary Public. (Seal)"

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"Ind Ter
Northern Dist

This affidavit made this 4th day of Sept 1896 by E. Dawson of this Dist in the Cherokee Nation I have known A. J. Dawson 10 years and have known him and recognized him as a Cherokee Ind and a cousin of mine, he claims to originate from the family of Joe Dawson and he was a brother of Robert Dawson and being an offspring of Sam Dawson who was (line in ink drawn through word was)married Pollie Rogers a daughter of Captain John Rogers who was a recognized Cherokee Indian.

(signed) E. Dawson.

Subscribed and sworn to before me this 4th day of Sept 1896.

(signed) J. Barricklaw,
Notary Public,

My commission expires June 8, 1899.
(Seal)"

Indorsed on back: "No. 1509, A. J. Dawson vs Cherokee Nation Filed Sept 7-1896 A. S. McKennon, Com'r."

- - - - - - -

Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabaniss, A. B. Montgomery, Commissioners.
In the matter of the application of
Andrew J. Dawson, Nation's No.....
Commission's No.....
for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy.

2nd. That the application does not state facts sufficient if true, to show that the applicant . . . entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that John Rogers through whom the petitioner claims to derive right to citizenship in the Cherokee Nation, is not now, - . . and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory, as at present located and defined; that his name does not appear on any of the authenticated rolls of said nation; that neither nor any of his ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

See case Nation's No. 1573.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Mayes, Principal Chief Cherokee Nation;

B. Hutchings, Hastings & Boudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answers are true, to the best of his knowledge and belief.

(signed) John L. Adair,

Subscribed and sworn to before me this the 5 day of Oct 1896.

(signed) D. J. Ball,
Notary Public.

(Seal)"

Indorsed as follows: "Nation's No. 1573.
Commission's No. 4694, In re application of Andrew J. Dawson, DEMURRER AND ANSWER. Filed Oct 21 H. M. Jaseway, Sec."

The foregoing documents, comprising the 1896 papers as above set forth, are inclosed in envelope indorsed:

"No. 4694, Petition of Andrew J. Dawson and heirs, Cherokee, 9-7-96. Rejected."

Which envelope is inclosed in jacket, marked "No.4694."

BY MR. HUTCHINGS: Now we desire to introduce the records in the case of Joanna Barber, et als., No. 1864, the United States Court number being 90, and the Nation desires to call especial attention to the testimony of F. C. Rogers and Sarah Carter as set forth in this case.

BY MR. McKENNON: To all of which applicants object, because it is wholly irrelevant, immaterial and incompetent.

Records in said case are as follows:

blood is shown by proof herewith filed.

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cunningham and Alexander B. Montgomery, United States Commissioners authorized by an act of Congress of June 4, 1896, to hear and determine claims for Citizenship in the Cherokee Nation;

Gentlemen:- The undersigned, your petitioner, Joanah Barber, for and on behalf of himself and heirs, this day makes this their application to you for the purpose of being placed on the revised roll of Cherokee Indians and of those entitled to

share in the distribution of funds and allotments of land in Cherokee Nation, by virtue of their Cherokee blood, and I herewith submit the affidavits of E. Dawson, E. R. Dawson, W. A. Dawson & F. M. Dawson in support of said claim, and respectfully await the time when our application shall be heard and tried.

Respectfully submitted,
(signed) Joannah Barber.

Enrollment of family, with relationship attached, as follows:

Names		Age	Relationship.
Joanah Barber,		60	Daughter of Elizabeth or Betsy
Isaac J. "	Husbd	65	Petty, nee Dawson, who was a
Onis E. "		26	daughter of Polly Dawson, nee
Wm. R. "		24	Rogers who was a daughter of
James E. "		18	Capt Jno Rogers and Ailey Rogers
Johny "		6	nee Vann a Cherokee Indian by
Joel A. Barber		39	blood as is shown by proof here-with filed.

In witness of which I hereto set my hand on this 7 day of August 1896.

(Signed) Joanah Barber."

Indorsed as follows: "Pd $.50 No.... Petition of Joanah Barber for and on behalf of herself and heirs."

TO THE HONORABLE HENRY L. DAWES AND OTHERS COMPOSING THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitioner, Joanah Barber, would state and show from the proof submitted to the Commission that he is a Cherokee by descent and by blood having been born in Carroll County, State of Ark. on the 3 day of Dec 1836. My fathers name was John Petty. My mothers name was Elizabeth Petty, nee Dawson. That I now reside in the Cherokee Nation, and have resided there for 10 years. And she avers these facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe. And she further avers that these facts being proved she is entitled to be adjudged under the laws of such Nation and the Laws of the Congress of the United States and the treaties of such Nation with the United States, a citizen of such Nation, with all the rights, privileges and protection of Citizenship in such Nation. Wherefore she herewith respectfully submit to the consideration of the Honorable Commission such proof and on the hearing she be adjudged entitled to such citizenship and her name be placed upon the proper roll as a citizen of such Nation.

(signature) Joanah Barber.

INDIAN TERRITORY,)
(SS
FIRST JUDICIAL DIVIS)

Now on this 7 day of Aug personally appeared before me W. J. Watts a Notary Public in and for said Territory, Joanah Barber, who being duly sworn upon his oath states that the facts set forth in the foregoing petition are correct and true.

Subscribed and sworn to before me this 6 day of August 1896.

(signed) E. J. Watts,
Notary Public.
(Seal)"

\- - -

"(COPY)

In the matter of the claim of Joanah Barber nee Joanah Petty to Cherokee Indian Citizenship in the Cherokee Nation , Indian ter itory.

Affidavit of S. R. Dawson.

Delaware District,
Cherokee Nation,
Firt Judicial Division,
U.S. Court, Indian Ter itory. ss

S. R. Dawson, to me well known to be a liable and respectable, after being duly sworn according to law states on oath, that he is a bona-fide citizen of the Cherokee Nation by blood- that he is a resident of said Nation- that his post-office address is Afton, I. T.; that he is fifty-one years of age- that he is well acquainted with the claimant Joanah Barber and has as long as he has known any person- that she is of Cherokee Indian descent- that her maiden name was Joanah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of Polly Rogers, a person of Cherokee Indian descent, who intermarried with Samuel Dawson, a white man- that he said Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann both well known Cherokee Indians.

Affiant is not directly nor indirectly interested in the result of this application.

(Impress of National Seal)

(signed) S. R. Dawson.

Subscribed & Sworn to before Jany 6 1892

(signed) W. P. Hubbard,
Notary Public."

"United States of America,
Indian Te itory, (ss
First Judicial Division.

I, William P. Rogers, a Notary Public within and for the Judicial Division aforenamed, do hereby certify that the next above in the within one page of an affidavit is a true and literal copy of the original as produced to me at Tahlequah, Ind. Terry, this the Third day of July A.D. 1896.

(signed) William P. Rogers,
Notary Public, First Judicial Division, Indian Territory.
(Seal) My Commission expires Feby 3, 1897."

(A copy)

In the matter of the claim of Joanah Barber (nee Joanah Petty)

to Cherokee Indian Citizenship in the Cherokee Nation, Ind Ter.

Affidavit of E. Dawson,

Coowescoowee District,)
Cherokee Nation,)
First Judicial Division,) ss
U. S. Court, Ind. Ter.)

I, E. Dawson, to me well known to be reliable and responsible after being duly sworn according to law states on oath that he is a Bonified citizen of the Cherokee Nation by blood- that he is a resident in said Nation that his post office address is Talala, Ind Ter.-that he is 58 years of age- that he is well acquainted with the claimant Joanah Barber and has been so as long as he has known any person- that she is a person of Cherokee Indian descent the her maiden name was Joanah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of one Polly Rogers a person of Cherokee descent, who intermarried with Samuel Dawson, a white man, that the said Polly Rogers was the daughter of Captain John Rogers a well known Cherokee Indian.

Affiant is not directly nor indirectly interested in the result of this application.

(signed) E. Dawson.

Subscribed and sworn to before me this the 24th day of Febry 1893

(signed) A. E. Williams,
Notary Public.

(Impress of
National Seal
here.)
Com. Expe. Sept. 26/96.

United States of America,
Indian Territory, S S
First Judicial Division.

I, William F. Ramsus, a Notary Public within and for the First Judicial Division, Indian Territory, do hereby certify that the next above and the within one page of an affidavit is a true and literal copy of the original presented to me at Tahlequah, Ind Ter. this the third day of July A.D.1893.

(signed) Wm. F. Ramsus.

(Seal) Notary Public, First Judicial Division, Indian Territory, My Commission expires Febry 7, 1897.)

- - - - - - -

United States of America,
Western District of Ark ns s. SS.

In the case of one Joanah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William F. Ramus, a Commissioner U. S. Court within and for the District aforesaid duly authorized to administer oaths W. A. Dawson, to me personally well known to be reputable and entitled to credit, and who being by me first duly sworn according to law, deposes and

and says: My name is W. A. Dawson, my age is 62; ... sex; my post-office address Tulsa, Ind. Terry. I am a farmer by occupation, I am a citizen of the Cherokee Nation, I. T., by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: That he is personally well acquainted with the claimant, Joanah Barber- whose mother's name was Elizabeth (commonly called Betty) Petty, Dec'd nee Elizabeth Dawson, - a Cheroke Indian by blood, and who was the sister of his father; James Dawson, Dec'd, a recognized and acknowledged Cherokee Indian by blood- she was also a sister of Robert Dawson Dec'd a recognized and acknowledged Cheroke Indian by blood- said Robert Dawson having been a full brother to said James Dawson- that therefore the said claimant, Joanah Barber is his (affiant's) first cousin by Cheroke Indian blood and that he so recognized and acknowledged her.

(signed) W. A. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry this third day of December A.D.1894.

(signed) W. J. Ramsus,
(seal) United States Commissioner."

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"UNITED STATES OF AMERICA.)
Western District of Arkansas.)ss

In the case of Joanah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William J. Ramsus, a Commissioner of the U. S. Dist. Court within and for the District afo enamed duly authorized to administer oaths Francis M. Dawson, to me rade personally well known to be reputable and entitled to - - and who - - duly sworn according to law deposes and says: My name is Francis M. Dawson my age is about 57 years, my post-office address is Afton, Ind. Terry, I am a farmer by occupation, I am a citizen of the Cherokee Nation, by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: I am personally well acquainted with the claimant Joanah Barber, whose mother's name was Elizabeth (commonly called "Betty") Petty, nee Elizabeth Dawson, a full Indian by blood, said Elizabeth Petty was a full sister of my father Robert Dawson Dec'd, a Cherokee Indian by blood- and I acknowledge the relationship by Cherokee Indian blood of Joanah Barber to me as first cousin- and I know that the said Joanah Barber therefore is of Cherokee Indian blood.

(signed) F. M. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry this 17th day of November A.D.1893.

(seal) (signed) W. J. Ramsus,
United States Commissioner.

Indorsed on back as follows: "No. 1 Filed ... 24 1 97, Jas. A. Pinston, Clerk."

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"Page 20, Docket "B"
Joannah Barber.
Office Commission on Citizenship,
Tahlequah, C. N. August, 1887.

Docket. No.	Names	Age.	Sex.	Post Office.	Atty.
1	Joannah Barber	51	female	Vinita, I. T.	
2	Ailey J. Barber	34	female		
3	Irena Barber	24	female		
4	Erma Barber	22	female		
5	Atta Barber	20	female		
6	Mary Barber	13	female	applicant for	
7	Onice Barber	17	female	Cherokee Citizenship	
8	Joel Barber	31	male	Rolls 1835	
9	Calaway Barber	27	male		
10	Toliver Barber	26	male	Ancestor	
11	Riley Barber	15	male		
12	Edgar Barber	9	male		
	V.S.			John Rogers &	
	Filed Aug.13, 1887.			Aley Pruett	

See decision this case in that of L. R. Dawson, adverse to claimant in this Book page 20.
This April 26th, 1889.
D. S. Williams, Clerk com.
Will. P. Ross, Chairman,
J. E. Gunter, Com."

- - - -

"S. R. Dawson.
Office Commission on Citizenship,
Tahlequah, C. N. Aug. 11th, 1887.

Docket. No.	Names.	Age.	Sex.	Post Office	Atty.
1	S. R. Dawson,	60		Catoosa, I. T.	
2	Parlee Dawson,	44	female		
3	America J. Dawson,	35	female		
4	Katherine J. "	33	female		
5	J. C. Dawson,	31	male		
6	Elias F. Dawson,	29	male		
7	Toliver Dawson,	27	male	Applicant for	
8	Erma Dawson,	20	female	Cherokee	
9	Fanny Dawson,	18	female	Nation	
10	John Riley Dawson	11	male		
11	Robt. E. Dawson,	9	male		
12	Clara Dawson,	7	female		
13	Cleveland Dawson	3		Ancestor	
	Filed Aug. 11, 1887.			John Rogers	
	Rejected April 26, 1889.				

Now this day comes the above case for final hearing, Samuel R. Dawson bases his application for re-admission to Citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson, a White man, Polly Rogers, the alleged daughter of Captain John Rogers, and Chilsey Pruett said to be half sister of Joseph Vann personal known as Rich and who were of Cherokee blood. It is admitted that John Rogers ...

Chilsey Pruett died before the roll upon which their names would appear as living at the time, and specified in the 7th Section of the Act of December 6th, 1886, creating the Commission on Citizenship were made, but in support of the application it is urged that certain members of the Dawson family the full brothers of the applicant were admitted to citizenship by the Commission on Citizenship commonly known as the "Tokee Court" and "Spears Court" and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerat ons which determined the decisions of those Commissions or the testimony now introduced to authorize the admission of the present applicant is not relevant to the issue now pending. The 7th Section of the Act of December 6th, 1886, before named provides that the Commission hearing to any person applying for citizenship in the Cherokee Nation upon the grounds of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census roll of Cherokees taken by the United States, hereafter enumerated, neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls, the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission of citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the case of Andrew J. Dawson, James K. P. Dawson, Joannah Barber, nee Joannah Dawson, and Jane Queen, nee Jane Dawson and their families as enumerated in their respective applications.

Will. P. Ross, Chairman,
P. Bunch, Commissioner,
John E. Gunter, Commissioner.

This April 26th, 1889,
D. S. Williams, Clerk Com."

- - - - - - -

United States of America,)
Indian Territory,) ss.
Northern District.)

W. C. Rogers being duly sworn on oath deposes and says: that he is a citizen and resident of the Cherokee Nation, Indian Territory. That his post-office address is Skin-ata K, Ind. Ter. that he was born and raised in the above named Territory; that he is 46 years of age:

Affiant further states that he is slightly acquainted with Irena J. House, an applicant for admission to citizenship in the Cherokee Nation as shown by copy of her application.

Affiant further states that his father's name was Charlie Rogers- who was a son of Captain John Rogers and the said Capt. John Rogers was the only man of that name that ever lived in the Cherokee Nation that this affiant ever heard of; that the said Capt. John Rogers this affiants grandfather lived at Crand Saline, I. T. and died in Washington, D. C.

This affiant states that his father Charlie Rogers had one sister and five brothers viz. Cynthia Rogers, Lewis Rogers, George Rogers, Nelson Rogers, Samuel Rogers and Randolph Rogers; that he (this affiant) was well and personally acquainted with the above said parties except Carvil and Randolph Rogers, who were killed when this affiant was quite young

This affiant states that he was 34 years of age, that his father, Charlie Rogers died, that his father never had any other family (like in the Crump case) word (by i y)brothers or sisters than the one above mentioned; that the one Polly Rogers named in the application for citizenship of Irene J. Holden, was not a sister of his fathers; that his father never had but one sister viz: Cynthia Rogers and this affiant ever heard of; that this affiant was well acquainted with his aunt Cynthia Crump."

Just here the following is inserted on separate paper:

"EXECUTIVE DEPARTMENT OF CHEROKEE NATION. I, John L. Adair, Executive Secretary of the Cherokee Nation, do hereby certify that I have compared the foregoing with the original record in this Department, and that the same are correct copies and transcripts therefrom.

In witness whereof I have hereunto set my hand and affixed the Great Seal of said Cherokee Nation, at Tahlequah, this, the 5th day of Feb, 1896.

(signed) John L. Adair,
Executive Secretary."

(Seal)

Then the above affidavit continues:

"(nee) Rogers that she liv d with this affiant's father for a number of years prior to here death.

Affiant states that he has often talked with his father, Charlie Rogers and his aunt Cynthia Crump (nee Rogers) about his relatives; that they never spoke of any other sister in their family; that this affiant was about 10 years of age when his aunt, Cynthia Crump died: that they told him there never was (words "never was" marked over with ink) father never had any other daughter or daughter other than Cynthia Rogers

Affiant states that his father told him a number of times, that this affiants grandfather Capt John Rogers never had any other family other than the one above mentioned; that this affiant never heard his father Charlie Rogers or any of his relatives speak of his grandfather Capt John Rogers owning or running a boat up any river.

Affiant states his father Charlie Rogers was born on Big Mulberry, South-east of Van Buren, Arkansas, in the year c 1817.

Further affiant saith not.

W. . Rogers.

Subscribed and sworn to before me on this the first day of October, 1896.

(signed) William H. Hall,
Notary Public.

(seal) My Commission expires January 16th, 1900."

United States of Indian Territory, Western District. } ss

Nee. Cana Carter being first duly sworn states; that she is a citizen & resident of the Cherokee Nation, Ind. Ter. and for most of 100 years in Tahlo, I. T., that she is 65 years of age.

Affiant states that she is the daughter of Charlie Rogers that her grand father on her father's side was Capt John Rogers. Affiant further states that W. C. Rogers is her brother, and that she has read the foregoing affidavit of W. C. Rogers, and knows the contents thereof; that it affects them in set forth are true of the affiant believes.

(signed) Sarah Cox.

Subscribed and sworn to before me this the first day of October, 1900.

William H. Hall,
Notary Public,

My Commission expires January 16th 1900.
(seal)

- - - - - -

Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. - (name torn off) A. B. Montgomery, Commissioners.

In the matter of the application of Nation's No.1573
Jonnah Barber Commission's No...
et al-
for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That the Commission has not jurisdiction over the parties or subject matter of this controversy, and not legal right, therefore, to hear and determine the same.

2nd. That the application does not state facts sufficient, if true, to show that the applicants are entitled to citizenship.

Respondent not waiving the aforesaid demurrer, but insisting upon the same for answer to said application, says that the John Rogers through whom the petitioners claim to derive their right to citizenship in the Cherokee Nation, do not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory as it presently located and defined; that his home does not appear upon any of the unmutilated rolls of said Nation; that neither they nor any of their ancestors now resident or ever have resided in the Cherokee Nation and Indian Territory, as alleged in the petition.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Mayes, Principal Chief Cherokee Nation.

Hutchings, Hastings & Benedict, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answer are true, to the best of his knowledge and belief.

(signed) J. L. Adair,
Executive Secretary, Cherokee Nation.
(signed) W. J. Hall,
(seal) Notary Public."

Indorsed on back as follows: " 1894 .90 Nation's No. 1577, Commission's No..... In the application of No 2 Joanna Barber Demurrer and Answer Filed Mar 13 1897 Jas. A. Winston, Clerk/ Filed Oct 7 1898 T. M. Mooney, Secy."

BRIEF.

BEFORE THE HONORABLE COMMISSION OF THE UNITED STATES OF AMERICA,

duly appointed and empowered to Act, under and by virtue of the Act of Congress of June 4th 1898, to hear and determine all claims for citizenship of the Five Civilized Tribes of Indians, to-wit:
Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians.

In the matter of the application for citizenship in the Cherokee Nation, of Joanna Barber and her children, to-wit:

Chas E. Barber, William R. Barber, James E. Barber, Johnnie Barber and Joel A. Barber.

In the matter of the application for citizenship in the Cherokee Nation of Joel A. Barber and his children, to-wit: Mattie Barber, Oliver Barber, George A. Barber, Frankie O. Barber, Jesse Barber and Ethel Barber,

In the matter of the application for Citizenship in the Cherokee Nation of Mary A. Boner and her child, to-wit: Inez Boner.

In the matter of the application for citizenship in the Cherokee Nation of Ella L. Murphy and her child, to-wit: Claude L. Murphy.

In the matter of the application for Citizenship in the Cherokee Nation of Ella Moore and her children, to-wit: Anna J. Moore, Jackson D. Moore, Rhemby Moore and Gladys Moore.

In the matter of the application for Citizenship in the Cherokee Nation of Attie L. Hunt and her child, to-wit: Dorman Hunt.

In the matter of the application for Citizenship in the Cherokee Nation of Alcey J. Smart and her children, to-wit: Georgia A. Smart and Emzy L. Smart.

In the matter of the application for Citizenship in the Cherokee Nation of Joannah J. Garlinghouse and her children, to-wit: Myrtle O. Garlinghouse, Cora L. Garlinghouse and Martha A. Garlinghouse.

In order that the Honorable Commission may clearly and fully understand the proof and merits of the Claim of the aforesaid Claimants, we deem it necessary to present to the Honorable Commission, the genealogy of each of said claimants, to-wit:

Joanna Barber, whose maiden name was Joanna Petty, is a daughter of Elizabeth Petty, nee Dawson and a granddaughter of Polly Dawson, nee Rogers and a great granddaughter of Sam. John Rogers, who was a Cherokee Indian by blood as the records the proof herein submitted.

Joel A. Barber is a son of Joanna Barber, nee Petty and grand son of Elizabeth Petty, nee Dawson and a great grand son of Polly Dawson nee Rogers and a great great grand son of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted. Mary A. Boner, whose maiden name was Mary A. Barber, is a daughter of Joanna Barber and grand daughter of Elizabeth Petty, nee Dawson and great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Emma Murphy, whose maiden name was Emma Barber, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabethe Petty, nee Dawson and a great great grand daughter of Polly Dawson nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Erma Moore, whose maiden name was Erma Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof.

Attie L. Hunt, whose maiden name was Attie L. Barber, isa daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blodd, as shown by the submitted proof.

Alcey J. Smart, whose maiden name was Alcey J. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson, and a great grand daughter of Polly Dawson, nee Rogers, and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joanna J. Garlinghouse, whose maiden name was Joanna J. Smart, is a daughter of Alcey J. Smart, nee Barber, and a grand daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, nee Rogers, and a great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Therefore, the Claimants pray the Honorable Commission, that after a careful examination of their application and an impartial investigation of the proof herein submitted, you will adjudge each of said Claimants, together with their aforementioned Children, entitled to citizenship in the Cherokee Nation, and that you place the name of each Claimant, together with the names of their aforementioned Children, upon the Cherokee roll, and that you grant to them all the rights, privileges and immunities of citizens of the said Cherokee Nation.

(signed) Hubbard, Carl and Eaton,
Council for Petitioners."

Indorsed on back as follows: "No 3 Filed Feb 24 1897, Jas. A. Pinston, Clerk."

Commissioners,
Henry L. Dawes, Frank A. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss, Alexander B. Montgomery--H. M. Jacoway, Secretary.

DEPARTMENT OF THE INTERIOR.

Commission to the Five Civilized Tribes,
Vinita, Indian Territory, Oct 2 , 1896.

Joanna Barber, Filed Sept. 8, Answer filed,
vs. Application denied.
Cherokee Nation.

I, H. M. Jacoway, Jr., Secretary, do hereby certify that the above and foregoing is a true and correct copy of Cherokee Record A. page 297 of the Commission to the Five Civilized Tribes.

Given under my hand and official signature this the 12 day of Feb. 1897.

H. M. Jacoway, Jr.,
Secretary."

Indorsed as follows: "1864 No. 4 Filed Feb 24 1897 Jas. A. Pinston, Clerk."

"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Joanna Barber et al,
vs.
Cherokee Nation. No.1864.

AFFIDAVIT FOR APPEAL.

Now on this the said Joanna Barber et al applicants for citizenship in this case by W. B. Watts, one of their attorneys, and pray an appeal from the decision of the Honorable Commission to the United States District Court as provided by the Act of Congress approved June the 10th, 1896.

And the said W. B. Watts, being duly sworn on oath on behalf of said applicants says that the appeal prayed for in this case is not asked for the purpose of delay but that justice may be done the appellants.

(signed) W. B. Watts,

Sworn and subscribed to before me this 22nd day of December 1896. (signed) J. C. Lindsey,
(SEAL) Notary Public.
My Commission expires March 28th 1897."

Indorsed: "Court No. 90."

"Received of H. L. Dawson, Jr., Secretary of the Commission to the Five Civilized Tribes, the original papers, in the case of - - - vs - - - - Nation, as follows:

Witness my hand and official seal at Muskogee this the 20 day of Feby 1897.
(SEAL)

(signed) J. Q. Winston, Clk."

Indorsed: "Court # 90 No. 1864. receipt for original papers in the case of Joanna Barber et al vs. Cherokee Nation. Received and filed this . . . day of . . . 189. . . Secretary."

"IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY, NORTHERN JUDICIAL DIVISION, AT MUSKOGEE, IND. TER.

Joanna Barber, Onia E. Barber, William P. Barber, James E. Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Ella Moore, Attie L. Hunt, Alcey J. Grant, APPELLANTS.

'S

CHEROKEE NATION, APPELLEE.

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Come now the appellants in the above entitled cause and petition the Court to grant an appeal in said cause from a decision of the Commission, known as the Dawes Commission, created and empowered to treat with the Five Civilized Tribes of Indians, to-wit: the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Indians, and to pass upon and decide applications for citizenship in the said Five Civilized Tribes, which decision by said Commission was rendered by authority of, but not in accordance with, an Act of Congress passed and approved June 10th, 1896, and by which decision on the 29 day of October, 1896 the aforesaid appellants were denied their rights to citizenship in the Cherokee Nation, Indian Territory.

The facts relied upon by the appellants to establish their rights to citizenship in the Cherokee Nation, as aforesaid are as follows: to-wit: The affidavits of E. Dawson, S. P. Dawson T. A. Dawson, F. M. Dawson.

Said affidavits fully and conclusively establishing the fact that said applicants are Cherokee Indians, by blood and descent, and entitled to rights of citizenship in the Cherokee Nation.

Said affidavits, together with the application of said appellants, were, prior to September the 10th, 1896, filed with and submitted the said Commission for its investigation, consideration and decision.

That a certified copy of said application, together with the accompanying Affidavits, were served upon the Chief, or Attorney General, of said Cherokee Nation, prior to September the 10th, 1896.

The errors of the Commission in rejecting the claims for citizenship of said appellants are the grounds for appeal to this Court, to-wit:

FIRST. The Commission erred in rendering its decision on said claims adversely to the appellants and against the proof submitted by said appellants.

SECOND. The Commission erred in investigating the claims of appellants and denying same in the absence of a majority of the members of the Commission.

THIRD. The Commission erred in refusing the appellants the right and privilege of examining the proof submitted by appellee in support of the answers filed by the appellee and denying the appellants the right of filing replication to appellee's answer or producing proof in rebuttal of the same.

FOURTH. The Commission erred in denying the appellants the right of a trial of their claims by a competent jury, as granted to them by the laws and constitution of the United States.

FIFTH. The Commission erred in denying appellants the right to be present in person, or by attorney, during the trial and determination of their claims before said Commission.

SIXTH. The Commission erred in refusing to issue process for witnesses and to send for persons and papers when requested to do so by the appellants.

SEVENTH. The Commission erred in deciding against the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in deciding against blood, holding that blood was not a test of the right of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the question of residence, holding that residence in the Cherokee Nation was not a test of the right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their docket or record the grounds upon which the claims of appellants were denied and refusing to notify appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims nor deny the same.

TWELFTH. That the act of Congress approved June the 10th, 1906, was unconstitutional and had no power or legal right to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

THIRTEENTH. That Congress had no power by an act to create, appoint and empower a judiciary, and said Commission erred in denying the claims of said appellants without any legal authority to do so.

Therefore, the appellants of this cause pray that an appeal be granted to this Court and that a trial, de novo, be granted the appellants, and that said appellants be permitted to introduce new testimony, and that an order be made requiring said Commission to send all pleadings, papers and records filed before it in the cause to said Court, and that the Cherokee Nation, the appellee in the cause, be cited to appear

at this Court and plead and defend against the appeal to show why the appellants should not by the rules, orders and decisions of this Court be adjudged entitled to citizenship in the said Cherokee Nation, and the appellants will ever pary.

(signed)

W. B. Watts,
A. H. Garland,
W. J. Watts,
Attorneys for Appellants."

Indorsed on back: "Cherokee Citizenship Case, No. 90 No 5 Joanna Barber et al vs Cherokee Nation Filed Dec 23 1896 Jas A Winston clerk Watts, Garland & Watts, Attorneys for Appellants."

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"SUMMONS.

SC WJW
United States of America,)
Indian Territory, (ss.
Northern District.)

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the Northern District, Indian Territory:

You are commanded to summon the Principal Chief of the Cherokee Nation, or the Attorney General of said Nation, to answer on the first day of next May term of the United States Court for the Northern District, Indian Territory, at Muskogee, Indian Territory, being the 4th day of May, 1897, A.D. 189— a petition praying an appeal from the decision of the Commission to the Five Civilized Tribes duly filed in said Court by Joanna Barber, Onis E. Barber, Wm R Barber, Jas E Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Ella Moore, Attie L. Hunt, Alcey J. Smart, who claim to be entitled to be enrolled as citizens of said Nation, to the United States Court for the Northern District, Indian Territory, which petition is now pending in said Court, and warn him upon a failure to answer petition within thirty days from the time of the service of this writ, the same will be taken for confessed, and you will make due return of this summons within ten days after the actual service of this writ.

Witness the Honorable William M. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, this 28th day of Dec. 1896 A.D.189—

(signed) J. A. Winston, Clerk.

(SEAL)"

"MARSHAL'S RETURN.

I received this summons the 28th day of December A.D. 1896 and served the same as follows: W. T. Hutchings, Attorney for the Cherokee Nation Indian Ter Accepted Service on the within at Muskogee, Ind Ter on this 12th day of January 1897

(signed) W. B. Watts

~~U. S. Marshal~~

By .....Deputy."

Indorsed on back as follows: "Citizenship Case No. 90 No. 6.. Nation... Sam Jones...Attys for Claimants."

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"Joanna Barber et al.
vs. No.90.
Cherokee Nation,

Mr. H. A. Gibson, Special Master, to whom this case was referred, submit the following report:

'IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,
NORTHERN DISTRICT, AT MUSKOGEE.

JOANNA BARBER ET AL)
-VS)- : REPORT OF SPECIAL MASTER.
THE CHEROKEE NATION.)

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I, H. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings herein, which is hereto attached and made a part hereof, and that I find as follows:

I

That this cause was instituted on September 5th, 1906, before the Dawes Commission to the Five Civilized Tribes, by Joanna Barber, and Isaac J. Barber, her husband, and their children, Onie E., William H., James E., Johnnie and Joel A. Barber. That Joel A. Barber has the following children, Hattie Toliver, George A., Frankie C., Jesse and Ethel Barber. That the application includes also Mary A. Boyer and her child Inez Boyer, Emma L. Murphy and her child Claud Murphy, Effie Moore and her children Anna J., Jackson D., Mary M. Gladys, Attie L. Hunt and her child Dorman Hunt, Albey J. Smart and her children Georgia A. and Emzey M. Smart, Jennie J. Garlinghouse and her children Myrtle C., Cora L. and Bertha M. Garlinghouse. That this application was by the Commission tried and rejected on October 20th, 1906, with no reasons given for the decision, and that subsequently on December 27, 1906, the claimants appealed to this Court. That they and all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be admitted to citizenship in the Cherokee Nation by reason of their descent from Polly Rogers, who is claimed to be a Cherokee Indian by blood. That there is filed in support of their application the affidavits of S. P. Dawson, E. Dawson, Francis M. Dawson, and W. A. Dawson, who testify that Joanna Barber is the daughter of Elizabeth Perry, nee Dawson, and the granddaughter of Polly Rogers, who married a white man by the name of Israel Dawson, and that Polly Rogers was the daughter of Captain John Rogers and Nancy Vann. That these witnesses are all Cherokee citizens by blood, and that the said

claimants, and according to their testimony, related to them by blood.

The apple introduces to contravert this testimony the decision of the Cherokee Commission on Citizenship, rendered in the year 1907, in which these claimants were rejected by this Commission and also the affidavits of E. D. Rogers a grandson of Captain John Rogers, and Mrs. Sarah Carter, a granddaughter of Captain John Rogers, both of whom state that they never heard of any daughter of said Captain John Rogers by the name of Polly Rogers, and that Cynthia Rogers was his only daughter.

III

The claimants contend that they are residents of the Cherokee Nation, are relatives of the Dawson family, who are recognized citizens of the Cherokee Nation by blood, are entitled to be admitted in the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is but now and has not been a citizen of the Cherokee Nation since the removal West; that his name does not appear on the rolls of the Cherokee Nation, and that he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

The premises considered, in view of the unsettled condition of affairs in the Cherokee Nation at the time when Captain John Rogers, the ancestors through whom these claimants trace their Cherokee blood, lived, and especially in view of the absence of a marriage law and of records pertaining to marriage, I am of the opinion that these claimants have proved that they are descended from Capt. John Rogers, who resided in the Cherokee Nation, and was a recognized citizen, though they do not show that he was ever enrolled as such, and I therefore find that the claimants are all residents of the Cherokee Nation, Indian Territory, and that they are all Cherokee Indians by blood. That they have resided in the Cherokee Nation since 1907, and probably longer, though the proof does not state definitely how long they have so resided.

I ask that the Court allow me a reasonable fee for my services herein as special master.

Respectfully submitted this 10 day of August, 1907,

(signed) H. A. Gibson,
SPECIAL MASTER.

Fee paid.
No Exceptions filed.

IN THE COURT,

From this report it appears that the claimants base their rights to be enrolled as citizens of the Cherokee Nation upon the grounds that they are the descendants of a Cherokee Indian by blood, but their ancestors through whom they claim have never resided in the Cherokee Nation as now constituted. It appears that they have resided in the Cherokee Nation since 1907, and probably longer, though the proof does not state definitely how long they have so resided. It does not appear that the applicants or any of their ancestors have ever been recognized as members of the Cherokee Nation.

The judgment of the United States Commission rejecting this case is affirmed, and the application of the claimants

to be enrolled as citizens of the Cherokee Nation is denied."

Indorsed on back: "30 No.7 Joanna Barber et al vs Cherokee Nation, Final Report of Special Master, Filed August 17, 1897, Jos A. Winston, Clerk."

Foregoing papers in Joanna Barber case enclosed in jacket indorsed: "30 Joanna Barber et Vs Cherokee Nation."

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"NOTICE.

UNITED STATES OF AMERICA) In the United States Court for
INDIAN TERRITORY (SS said District.
NORTHERN DISTRICT.) In the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation.

To the Commission to the Five Civilized Tribes.

You are hereby notified that an appeal has been taken in the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said Court to transmit at the earliest time practicable to said Court, at Muskogee, Indian Territory, a transcript of all the entries made in the docket of your tribunal relating to the case, together with the depositions and testimony taken before said tribunal; the decision thereof on the application, and all original papers relating thereto.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 23 day of Dec. 1896. A.D. 189—.

(SEAL) (signed) J. A. Winston, Clerk."

Indorsed: "No. 1864 Joanna Barber et al vs Cherokee Nation, APPEAL ORDER OF U. S. COURT."

Foregoing paper enclosed in jacket marked: "No. 1864."

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BY MR. HUTCHINGS:

We now introduce the original record in the citizenship case of Irene J. House, et al., before the Commission in 1896, the court number of same being 238. said case being denied by the Commission; appealed to the United States Court, and the decision of the Commission affirmed.

In this case I desire to call especial attention to the certified copy filed therein of the testimony of Arthur Baker, the certified copy having been made in 1894, being the testimony of Dr. Baker in the case of Robert Dawson against the Nation, number 108, before the Citizenship Commission, and which was made January 10, 1894.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The papers in Court No. 838, just introduced above, are as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19, 1882.

No. 108.
Robert Dawson et al) Exhibit C.
vs (
Cherokee Nation.)

Testimony for Claimants.

Witness, Dr. Arthur Baker sworn testifies as follows:

My name is Arthur A. Baker I reside at Berryvill Arkansas Carroll County my age is 73 years I am not a Cherokee. I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carrolls County some 35 years - At my Mothers house near Calhoun I became acquainted with the claimants Robt Dawson grandmother on mother's side she was frequently at my mothers house though she Anna Pruet lived in the Nation side; She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee, the first time she brought the claimants mother to my mothers house she the mothers mother was about grown when I was a little boy. She called her daughter Polly Rogers, Said Captain John Rogers who ran a boat up the River was the father of the child; I saw the girl frequently there at my mothers and there at Louis Ranses Store.

I saw her occasionally until I was 15 or 16 years of old and I think then Old Capt. John Rogers took her off to school, I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson, I stayed all night there and so and I had a talk over our old matters and I asked her where she became acquainted with Dawson and she said at the time she was going to school and she said after she left school that Dawson followed her home, to the Nation and they were there married. I have told that precisely in the words that she used, Capt John Rogers claimed to be one fourth Cherokee. The claimant is the son of Polly Rogers, and I know Polly Rogers to be the daughter of Anna Pruett and I know the claimant to be the son of Polly Dawson.

Capt. Rogers then resided in the Cherokee Country about twenty (Word "twenty" marked through) twelve miles below Calhoun on the Hiwassee River Anna Pruett resided in the Cherokee Nation as long as I stayed there & Dawson when I got acquainted with them Arkansas were recognized where they were as Cherokees. Robert Dawson children is Buck, John, Marian and two girls, The children named in the petition I recognized as being the claimants.

Question by Solicitor:

No. 1 How many children did Polly Rogers have?
Ans. 1 Five I think that's all.
No. 2 Did you say so ething about some one being married twice?
Ans. 2 The claimant was married twice.
No. 3 Could Anna Pruet speak Cherokee?
Ans. 3 Yes, she could speak it well.

Ques 4 Did Polly Rogers speak Cherokee?
Ans. 4 She did when I was young.
Ques 5 How far did you live from Anna Pruet?
Ans 5 Just across the five about 3/4 of a mile.
Ques 6 Was Calhoun in the Cherokee Nation?
Ans. 6 It was on both sides of the river part in the Nation and part out in the state.
Ques 7 Which Marriage was it went to Texas?
7 George went first, then John went, they were the sons of old man Marriage, that lived up near the line.
Ques 8 Did the Claimant go to Texas?
Ans. 8 No the Claimant did not go to Texas.
9 What connection was claimant and Polly Rogers?
9 The Claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.
10 Where does claimant now live?
10 He lives in Carroll Co Arkansas.
11 Do you know what relation old Capt John Rogers was to Charles Rogers here in Cooweescoowee?
11 They claimed kin but what kin I dont know there were two Capt John Rogers in the Nation I am speaking of the time when I first came to this country about the year 1830.
12 Was Anna Pruet the maiden name of claimants grandmother
12 Yes that was her maiden name the Indian called her Since

his
(signed) Arthur x Baker
mark

Witness hand paralyzed is the reason why he signed by a mark thus x

I R T Hanks Assistant Executive Secretary do hereby certify that the foregoing document is a true and correct of the original as appears of record in the Executive Department of the Cherokee Nation.

Given under my hand and the seal of the Cherokee Nation on this the 5th day of December 1894.

(signed) R. T. Hanks,
(seal) Asst Exec Sec.

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"To the Honorable the Dawes Commission on Citizenship in the Five Civilized Tribes in the Indian Territory:

Your petitioner, Irona J. House, undersigned, respectfully states that she is a Cherokee Indian by blood, as asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That she derives her said Indian blood from Joannah Barber he mother, who is a Cherokee Indian by blood The said Joannah Barber being a daughter of Elizabeth Petty who was the daughter of Polly Rogers and Samuel Dawson, the said Polly Rogers being the daughter of Captain John Rogers and Anna (alsy Vann) Pruet, Cherokee Indians, as shown by a certified copy of the affidavit of Dr. Arthur A. Baker, which is hereto attached as Exhibit A also affidavits marked exhibits B- C- D- and E.

Your petitioner states the above facts as the lawful grounds for her application for citizenship in the Cherokee

Nation, and prays that her claim may be fully investigated by your Honorable Commission and that she be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 34 years. My Post Office address is Talala, Ind. Ter. My family consists of the following named persons; My husband and children as follows:
W. J. House, aged 34 years; Chas. C. House, aged 9 years; Winson T. House, aged 8 years, Anny V. House, aged 5 years.

WITNESS my hand this 19 day of August 1896.
(signed) Irene J. House.

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Northern Judicial
District, Ind. Ter. SS.

Personally appeared before me, the undersigned authority, Irena J. House, to me known to be the petitioner in the above petition, who being by me first duly sworn upon her oath says that she is the petitioner in the above petition, that she has read (or heard read) the said petition and that the facts stated therein are true, as she verily believes.
(signed) Irene J. House.
Subscribed and sworn to before me at Talala, Ind. Ter. this 19 day of August A.D.1896.
(signed) J. Barricklaw,
Notary Public, My commission expires
(seal) June 8 1899."

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"Exhibit A.
Northern Judicial Division,
Indian Territory.
Joanah Barber being duly sworn according to law, on oath states My name is Joanah Barber I am 61 sixty one years old My Post office address is Watova Ind Ter- My husband occupation is farmer I am a Cherokee in Cooweescoowee Dist I am a Cherokee Indian by blood my mother being Elizabeth Petty (nee Dawson) Daughter of Samuel Dawson and Polly Dawson (nee Rogers) and said Polly Rogers is a daughter of Capt Rogers and Anna Vann (commonly called Alsey Vann) the following Irene J. House is my daughter; she was born in Williamson County, Texas May 13" 1863, moved with her husband children to the Indian Terry and settled near Talala I Tery
(signed) Joanah Barber
Subscribed and sworn to before me this 19 day of Aug.1896.
(signed) J. Barricklaw,
Notary Public, My commission expires
(seal) June 8 1899

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"EXHIBIT B.

Indian Territory,
Northern Judicial District ss.
J. . Dawson being duly sworn according to law deposes and says:

My name is F. M. Dawson; I am 54 years of age; My post office address is Afton Indian Territory I am a farmer by occupation and reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood. I was born in Carroll County Arkansas near Berryville. I derived My Cherokee Indian blood from my grandmother whose maiden name was Polly Rogers through my father Robert Dawson, My grandmother Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee. My grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1833 and settled in Western Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory, Robert Dawson, the father of the affiant was also a recognized citizen of the present Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson father of this affiant and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of said Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers The said Elizabeth Petty was the mother Of Joanna Barber who is a full cousin by blood of this affiant in the Indian side. The said Joanna Barber is the mother of Irena J. House nee Barber who is a second cousin of this affiant in the Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and drew their per capita money all the last payment; said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, derives her Indian blood and right.

This statement I have made to John H. Koogler, a Notary Public at Muskogee Indian Territory and it has been written down by him at my dictation. Such part of this testimony which refers to matters occurin; previous to my recol ection I know by means of family history and traditions which facts I have always been taught and told of by my parents and grand parents from childhood up, ts facts stated as occuring since my childhood I know of my personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irena J. House for citizenship in the Cherokee Nation.

(signed) F. M. Dawson."

"Indian Territory,
Northern District.

I John H. Koogler, hereby certify that the annexed and foregoing statement and affidavit was dictated to me by F. M. Dawson and was subscribed and sworn to by him and was written by me from his oral statement at my office in Muskogee Indian Territory this 14 day of August 1896, and I further certify that the said F. M. Dawson is personally known to me and that he is a creditable person and entitled to belief.

(signed) John H. Koogler,
(seal) Notary Public."

Northern Judicial District,
Indian Territory.

EXHIBIT D.

E. Dawson, being duly sworn according to law on oath states. My name is E. Dawson; I am 61 years old; my post office address is Talala, Ind. Ter. I am a Farmer by Occupation, and reside in Coowescoowee District- Cherokee Nation. I am a recognized Cherokee Indian by blood, and exercise all the rights and immunities of a Cherokee Citizen now living in the present Cherokee Nation. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my Grandmother Polly Rogers through my father, Robert Dawson. My grandmother Polly Rogers was a Cherokee Indian and was married to my grandfather Samuel Dawson in the old Cherokee Nation in Tennessee. My Grand Parents, Samuel Dawson and his wife Polly Dawson whose maiden name was Polley Roger came West from the Old Cherokee Country in about the year 1832, and settled in Western Arkansas, and later came on to the Cherokee Nation. My father Robert Dawson was a recognized member of the Cherokee Nation when he died, by reason of his Cherokee Indian blood.

The said Robert Dawson, the father of this affiant, and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of the said Samuel Dawson and Polly Dawson his wife she being the same Polly Rogers as aforesaid. The said Elizabeth Petty was the mother of Joanah Barber who is a full cousin by blood of this affiant on the Indian side, the said Joanah Barber is the mother of Irena J. House, whose maiden name was Irena J. Barber and a second cousin of this affiant on the Cherokee Indian side. This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians of the present Cherokee Nation and exercise all the rights and privileges of such Cherokee citizens, they having drawn their shares of the Strip Money at the last per capita payment made by the Cherokee Nation.

Said citizens and relatives derived their Cherokee Indian blood from the same source, as did the above named Irena J. House.

I have made this statement before J. Barrichman, Notary Public at Talala, Ind. Ter, [illegible] affiant further states that he has no personal interest in the prosecution of [illegible] for citizenship [illegible] Irena J. House.

[illegible] above statement [illegible] knowledge of the [illegible] personally, [illegible] other [illegible] real [illegible] been taught [illegible]

[illegible] in [illegible] and [illegible]

Subscribed [illegible] August 1896.

[illegible], Notary Public.

My Commission [illegible] June 5, 1898.

(Seal)

"Cherokee Nation,
Coowescoowee District. EXHIBIT E.

Before me the undersigned authority this day, personally appeared W. A. Dawson who is to me well and personally acquainted, and after being duly Sworen; deposeth and says, that he is well acquainted with Irena J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of Joana Barber, who is a neice of Robt. & James Dawson, who are both Cherokee Indians and recognized citizens of the Cherokee Nation.

Affiant further states that Irena House is the grand daughter of Mrs. Petty, who was a full sistar of Robt & James Dawson.

Affiant further says that he knows that Irena House is a lineal descendant of Annie Dawson whose ~~children~~ (line drawn through word "children") sons, Robt & James before spoken are recognized citizens.

Affiant further says he has no interest in this suit.

(signed) W. A. Dawson.

Sworn and subscribed to before me this 17 day of August 1896.

(signed) William Lynch
Notary Public.

(Seal) My term expires Feb 6 1900."

Foregoing indorsed on cover as follows:
"No: 3099 5464 Before the Dawes Commission on Citizenship in the Five Tribes, Irene J. House V.S. The Cherokee Nation. Petition and Proof, Will E. Linton, for Petitioner. Filed Sept 8 1896 A. S. McKennon, Com'r. Denied. Filed Feb 26 1897 Jas A. Winston clerk."

- - - - - - -

"Received of W. M. Jacoway, jr., Secretary to the Commission to the Five Civilized Tribes the original Papers in the cause of .... vs..... Nation, as follows..... Witness my hand and of icial seal at Muskogee this the 26 day of Feb' 1897 J. A. Winston, Clerk."
(Seal)"

Indorsed: "Court No.238 No. 5464 Receipt for original papers in the case of Irena J. House vs. Cheroke Nation, Received and filed this ..... day of..... 189..."

- - - - - - -

"Irene J. House et al,
vs. No. 238
Cherokee Nation.

Mr. W. A. Gibson, Special Master to whom this case was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSCOGEE.

IRENE J. HOUSE ET AL

VS # 238 REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION

---oOo---

I, M. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings on file in this case which are made a part of this report, and that I find as follows:-

I

That this case is in reality a branch of Case No. 90, Joanna Barber vs Cherokee Nation, the principal claimant herein being Irene J House a daughter of Joanna Barber.

That this cause was instituted on September 3, 1896 at which time application was made to the Commission to the Five Civilized Tribes for citizenship by blood in the Cherokee Nation.

That this case was tried by the said Commission on November 24, 1896 and the applicants denied, no reasons being given for the decision, and that on January 20, 1897, the parties appealed from said decision to this Court.

That this application was made by Irene J. House, her husband, W. J. House, and their children Chas., C. Winston T., and Henry W. House. That they file in support of their application the affidavits of Joanna Barber, F. L. Dawson, Arthur A. Baker, E. Dawson, and W. A. Dawson. That these Dawson witnesses are citizens by blood of the Cherokee Nation, and state that they are related by blood to the claimants herein on the Cherokee side. The claimants base their contention of a right to Cherokee citizenship upon the fact that the claimant Irene J. House is the daughter of Joanna Barber, who is the daughter of Elizabeth Ratley, who was the daughter of

Polly Rogers, and that Polly Rogers was the daughter of Captain John Rogers and Kissey Ward, who were recognized Cherokee citizens by blood. That [illegible] this Dawson [illegible], and that [illegible] Indian [illegible], Polly Rogers was Captain John Rogers and Kissey Ward, who were all recognized Cherokee [illegible].

II

[illegible] applicants [illegible] Commission on Citizenship in the [illegible] the rejection of the claimants [illegible] Mrs. Sam Butler, a [illegible] that they never heard [illegible] by the name of Polly Rogers, and [illegible] Cynthia.

III

The Claimants [illegible] Cherokee Nation and are relatives of [illegible] who are

recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name does not appear on the rolls of the Nation, and that neither he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

IV

The premises considered, I find that the claimants are the descendants of Captain John Rogers, and that it was entirely possible that in the condition of affairs at that early date in the Cherokee Nation, especially owing to the absence of a marriage law and of records pertaining to marriage, that these claimants should be the descendants of Captain John Rogers by a daughter, Polly Rogers, of whom the affiants for the appellee may never have heard.

I find that the claimants are residents of the Cherokee Nation, Indian Territory, where they have resided since 1887, and that they are Cherokee Indians by blood.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted, this 9 day of Nov 1897.

(signed) H. A. Gibson,
Special Master.

My fee paid,
No Exceptions filed."

Foregoing papers indorsed on cover as follows: "238, Irene J. House et al v Cherokee Nation Final Report of Special Master, Filed Nov 10 1897 Jas A. Winston, Clerk."

Foregoing papers enclosed in packet indorsed as follows: "238, Irene J. House, et al vs. Cherokee Nation."

BY MR. HASTINGS:

Well we close for the present.

TESTIMONY ANTOUCHED ON BEHALF OF THE APPLICANTS:

D. F. C[illegible] CAR, being first duly sworn, and being examined, testified as follows:

BY MR. HASTINGS:

Q Please state your name, age and residence? A My name is D. F. C. Duncan, my age is 72 years, my residence, Vinita, Indian Territory.
Q Are you a duly recognized citizen of the Cherokee Nation by blood? A I am.
Q You gave testimony in this case once before did you not, before the Dawes Commission? A I did.
Q Before this Commission I will say, this Commission? A The Dawes Commission? A Why I don't recollect who the Commissioner was, that was taken at Vinita, ex parte.
Q Were you in any way connected with the Cherokee citizenship Commissionnin 1963 known as the "Tehee Commission"? A I was Clerk of that Commission.

Q For what length of time? A I don't recollect the exact length of time, I think it was about thirty days, during the continuance of that Commission, existance of that Commission.
Q You were the only clerk it had during its existance were you?
A I think I was.
Q You were Clerk of that Commission when it rendered a decision in favor of Robert Dawson et als, as found on page 114, of its record, numbered 103 (witness examines record referred to.) now in the possession of this Commission? A I was.
Q The members of that Commission were the same as shown by the signatures to this judgment were they? A The same, yes, sir.
Q Thomas Tehee, President of the Commission, Alex Wolfe and T. F. Thompson, Commissioners, that is correct, is it? A That's correct.
Q Were you present when this case was under consideration by that Commission and when it rendered this judgment in the case? A I was.
Q Were you at that time acquainted with F. M. Dawson, commonly called "Bud Dawson", Campbell Taylor and Samuel H. Benge, who were attorneys, who were Cherokee attorneys at that time? A I might say that I merely know Mr. Dawson; all I know of him was I saw him there as a party to the suit, I know Mr. Taylor and Mr. Benge more extensively; I have known them a number of years.
Q They were recognized Cherokee citizens were they? A They were.
Q Was Taylor not known generally as a Citizenship Attorney?
A I think he was.
Q Do you remember seeing him and Benge present at the time this case was under consideration by the Court? A Why I do not recollect seeing Mr. Benge, I cannot recollect, but I can recollect of seeing Mr. Taylor about the Court room now and then.
Q Do you know who submitted the case to the Court for the applicants? A Let me understand the meaning of that; who brought the case?
Q Who called up the case? A No, I don't recollect.
Q Do you remember whether that Commission rendered any other decision than that found upon this record in that case? A I never had any knowledge only but one decision.
Q Was that in favore of or against the applicants? A It was in favor of them; I will say this: that if there was another decision other than the one that appears on the docket now before you, I have no recollection of it.
Q The only decision you have any knowledge of was recorded by you in this book as here shown was it not? A That is the only one that I have any knowledge of.
Q Did Bud Dawson pay you any money in connection with that case?
A He did not.
Q Did he ever promise to pay you any money for your influence with the Court in that case? A Never.
Q Or paid you any money, either directly or through any other person? A For my influence in that case?
Q Yes, sir? A Never.
Q Did you have any knowledge of any money paid to the Court or to any member of the Court for the purpose of influencing their judgment in that case? A None whatever.
Q Did you have opportunity of observing his conduct during that Court at this time? A The only opportunity that I had was during the session of the Commission, I have seen a little of him during the recess of the Commission, but little. I would not hit in particular.
Q Did you see anything in his conduct toward that Court which indicated that he had used undue influence in procuring that judg-

ment? A I never observed anything of the kind; nothing that awakened a suspicion in my mind that he was engaged in that kind of practice.
Q Did Campbell Taylor at any time after the rendition of that judgment pay to you any money as coming through him from Bud Dawson for any services which you had rendered to him in that case?
A Yes, he paid me some.
Q What amount? A My recollection is that, I think it was a twenty dollar bill. I don't know but I had better go and state the transaction, all about it.
Q Yes, sir. A Mr. Dawson, Bud Dawson, during the trial of the case occasionally applied to me at my desk for writing paper, issue of a subpoena or transcript, something of that kind; I always treated him with courtesy and proper official consideration. He seemed to appreciate it, and whenever I did services of that kind to him, says he, I have no money, Mr. Duncan, but I feel as I ought to pay you. I told him I made no charges for work of that kind. And in passing I might state that I never received a cent for any kind of that work which I had been in the habit of doing for various parties before the Curt.

After his trial was concluded, in the afternoon a little while before supper time I went to my hotel, The National Brick Hotel in Tahlequah; went to my room, felt a little tired, laid down upon the bed to rest. I recollect Mr. Duncan stepped into the room, drew a chair up to the bedside and sat down and commenced giving expression to his gratification at the success of his case, dwelling mostly upon the testimony in the case being so satisfactorily, establishing his Cherokee blood, and that he thought that he was entitled and that he had received justice by the Court. I listened to him, and we talked there I guess some ten or fifteen minutes; after a little he says, I must go to-morrow, I think he says to-morrow, I must go home,- he then lived down in Arkansas somewhere. Says he, Mr. Duncan, I believe I owe you something, ought to pay you something. Alluding, as I understood, to these little courtesies that I extended to him at my desk. Says I, I make no charges, Mr. Dawson, for services; if I have done you any good you are welcome. Well, says he, I feel indebted to you, I ought to pay you. I says, that makes no difference; I will leave that to you. Says he, I have hardly enough money to get back home. He shook my hand, and the last word he says to me, you shan't lose anything for your kindness to me; I thought he had reference to my services at the desk. That was the last I saw of Mr. Dawson, oh it must have been a year afterwards; I had located a little claim on the public domain up there in Delaware District, staked off what I intended to be a farm, merely stakes, I didn't make any other improvements, over there on Horse Creek. Went over in that part of the country to look after my claim, and I ran across Mr. Dawson, he had come into the country and located and built him a little shanty and was living in it; I called upon him, he was very glad to see me; I asked him what he was doing there; he said he had moved into the country, and I told him, says I, you are encroaching upon me here; he had spread his claim over part of mine, mine had been made so long it was outlawed under Cherokee law. Well, says Mr. Dawson, I don't feel like doing you any wrong, I will pay you for your claim, and we will settle the matter in that way, that he as soon as he got his little matters together that he would satisfy me for it. Well we parted at that point. It ran on then for a long time, I don't know how long,- I think I met him in Vinita, and says he, did Camp Taylor pay you any money that I sent to you? Says I, No, I have not seen Camp Taylor.

Well, says he, I gave him some money and told him to hand it to you for me, and, says he, you ask him and he will hand it over to you I guess. Well we parted then. Well, went on for some time, some months; I happened to meet Mr. Taylor in Tahlequah; I met him on the street I think, jocularly I slapped my hand on his shoulder, says I, look here, did Mr. Dawson any money to me by you? He says, yes, and he pulled out what I recollect to be a twenty dollar bill, and handed it to me; I received it, and I received it with the idea that he was compensating me for taking my claim, or possibly for doing him those little services in the Court. Now that is the sum and substance of the whole thing.

Q Was not that twenty-five dollars, Mr. Duncan? A It might possibly have been, my recollection does not serve me exactly, it might have been 25 dollars.

Q Did Campbell Taylor pay you any other money as coming from Bud Dawson? A Never a cent.

Q Did he at one time pay you fifty dollars out of a hundred dollars which he had received from Mr. Dawson? A Never.

Q Did he on a second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson? A None at all.

Q He paid you no other money than that you have already stated, from Mr. Dawson? A Not a cent.

BY MR. McKENNON: We offer in evidence the judgment of the Cherokee Citizenship Commission before referred to, and ask that it be filed in evidence in the case of every application made by members of the Robert Dawson family who claim under it, or through Robert Dawson, as citizens of the Cherokee Nation, said judgment being found on page 114, Records of the Tehee Court, 1880 to 1884, case number 108, judgment dated January 11th, 1883, signed by Thomas Tehee, President, Alex Wolfe, T. F. Thompson, Commissioners. D. W. C. Duncan, Clerk Commission.

The said judgment just introduced is as follows:

"Office Commission on Citizenship,
Tahlequah, C. N., September 24th, 1881.
No. 108
Robt Dawson,
Elbert Dawson,
Jasper Dawson,
John Dawson,
Josephine Dawson,
Joseph Dawson, Petition for Citizenship
Jane Dawson,
Molly Dawson,
Wilbron Dawson,
James Dawson,
Rial Dawson,
vs.
Cherokee Nation.

Continued by the Plaintiff, Oct. 5, 1881.

January 13th, 1882.
The above case continued by the Cherokee Nation till Sept.

taxes, Agreed by the parties that the above shall not be taken up for final disposition before the first day of Oct, 1883.

October [illegible] 1882

It is agreed by the parties that this shall be finally disposed of at the next January term if the claimant is present defending the same, if not, the case shall be continued to the September term, 1883.

On this agreement Commission continues the case till the next January term to-wit, January 1883.

And now this the 11th day of January A.D. 1883 this case coming on for final hearing, and all the evidence produced in the case being carefully read and fully considered by the Commission it was adjudged and determined by the Commission on Citizenship that the claimants, Robert Dawson, F. M. Dawson, Elbert Dawson, Hooper Dawson, John Dawson, Jeremiah Dawson, Joseph A Wood, Jane Dawson, Molly Dawson, Wilson Dawson, James Dawson, and Fiel Dawson, are Cherokees by blood; and that they are entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they are, hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

(signed) Thos. Tehee,
President of Com.

D. W. C. Duncan,
Clerk of Commission.

Alex Wolfe,) Commission,
T. J. Thompson,) ers.

Transcript handed to Claimants, January 11th, 1883,
(signed) D. W. C. Duncan, Clerk."

Journal Note: "Case submitted by Claimant January 11th 1883. Case submitted by Solicitor January 11th, 1883."

Q Do you remember how many members of the Court were present when this judgment was rendered, or were all of them? A My recollection upon that point is not positive, but it is my belief and upon what I know to be the practice of the Court at the time, seeing the names of all these Commissioners there, I can say with a great deal of positiveness that they were all present, because I never signed the name of one of the Commissioners unless he was present, assenting to it or directing it.

Q The rendition of that judgment then was concurred in by all of the three judges? A It was.

Q Mr. Duncan, if there had been a decision rendered the day before in this case while the Court was in session, adverse to these claimants, would you have known it? A I certainly should have known it.

Q Was there any such decision of the Court? A None to my knowledge. I can say positively there was not.

Q How many of those judges are now living? A Only one.

Q Which? A Mr. Thompson.

Q Tehee and Wolfe are dead? A Tehee and Wolfe are dead.

Q How long have they been dead, do you know? A I do not know, quite a number of years. I wasn't living there, never lived near there when their death occurred, and their death occurred perhaps a long time before I got knowledge of it. It is generally understood that they are dead.

Q Do you remember to have seen any other order of the Dawson family about the court at that time than said Dawson? A I have been thinking, and I don't call to mind that I have seen any other Dawson except me, until after they came into the country subsequent to the rendition of the judgment.

(At this point a party who was sitting in the room in which the examination is being held, is called forward, sworn on behalf of applicants, and asked to retire until called.)

BY MR. MACKINNON:

Q Mr. Dawson, when did you become clerk of the Yukon Commission Court? A It must have been recorded in December, 1903, at the time the Commission was organized, or shortly at the close of the Council in which they were appointed.

Q December 1903? A I think so.

Q What are you doing recording judgments here in your handwriting in 1903? A The Commission held its Court after they were elected sometime.

Q The Court was elected in 1901 wasn't it? A Well, I mean the time, I don't pretend to say when the Court was elected, I might have said at the time I was chosen clerk. I was chosen clerk just at the close of the session of the National Council of that year.

Q '84? A I think it was '84.

Q You entered up this judgment rendered January, 1903? A Yes, that was the session of the Commission.

Q That was before you were clerk of it? A Well I held my clerkship for some time you know continuously.

Q Well but when you go back to say that you were their clerk when the Dawson case was passed on? A No, I don't mean to say that.

Q How could you be clerk when the Dawson case was passed on in 1903 when you were not elected until 1904? A I am mistaken in that, '84 comes after '03,- it was the year preceding 1903, it must have been '83.

Q Your first entry in the Dawson case is January 15, 1903, isn't it? Q I don't recollect what my first entry was. (Attorneys show the record to witness) Yes, that is the entry there on the 15th day.

Q And that was shortly after you became clerk wasn't it? A Yes, shortly after I became clerk.

Q The case had been entered upon the docket before you became clerk? A I think so, yes; It was entered at the previous term of the session of the Commission.

Q In whose handwriting was the names of the three Commissioners signed to that judgment? A Dawson Judgment?

(Attorney shows record to witness again) A That is my handwriting.

Q All three names? A All three names.

Q The record here shows that you immediately upon that day a transcript of the judgment, do you know who signed that? A Signed the transcript?

Q Yes, sir. A I do not recollect now, this is, did you writing?

Q signed the name to it? A Yes, that's it.

Q You always signed the names of Jones and Wills didn't you? A I think I did pretty generally; I don't know of their attempting to write their own names.

Q When Mr. Thompson was there didn't he sign his own name? A Sometimes he did, sometimes he simply authorized me to do it.

Q Have you any recollection of him authorizing you to do it except from the fact that you have done it on that record frequently? A I can't recall the particular litigated fact of authorization, but I can say positively that, consulting the record, that he authorized me to put his name there.

Q Will you look at the original transcript hereby shown you and referred to in the judgment and say who signed the names of the Commissioners there? A (Papers shown to witness) A I signed them there.
Q You recognize that as your handwriting? A I do.
Q What made you state you were testifying at Vinita before Mr. Martin, on looking at the same signatures, and being cross-examined by me, say that it was not your signature and that the signature thereto attached was the signature of Mr. Thompson? A Occurred in this way; I had not seen any of the records in the case for about nineteen years. The exact transaction in the court had vanished about entirely from my memory; I recollected at that time, however, when I gave in my testimony before the Commissioner, Martin, that that was a practice of the Court at the time I served by which I signed the names of the full-blood members of the Commission, and Mr. Thompson either uniformly or occasionally signed his own name. I based my statement in that deposition upon my knowledge of the rule or practice in the Court, without comparing the docket and refreshing my memory. I made an incorrect statement when I said that that was not my handwriting; I am convinced now that it is my handwriting. That is the way it occurred, the way it happened.
Q Then you consider your recollection of the fact that Thompson when he was present and rendering a judgment signed it himself, better than your own knowledge of your own handwriting?
A No, I didn't so regard it. I simply spoke without advisement when I gave in that testimony; I subsequently became better informed and concluded that that was my handwriting and not entered by Mr. Thompson under the rule, but was one of those cases in which he authorized me to do it myself, and I did it.
Q Then you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and not from the face of your judgment on your handwriting at present? A I simply corrected my testimony in reference to my statement in regard to this handwriting, this case.
Q And you couldn't know then as I understand you whether or not that is your handwriting if it was not refreshed by what you consider to be exterior facts? A I should know it by examining it and thinking over the circumstances, I think I should recognize my own handwriting, but if a question should be propounded instantaneously without any advisement or preconsideration I might make a mistake.
Q You did recognize the names of Thomas Tehee and Alexander Wolfe as being in your handwriting at that time? A I was very clear and positive, and so stated, that the names of those Commissioners were in my handwriting, and I was made certain by reflecting on the rule that they never signed their names with their own hand, but always authorized me to do it. Hence there is no question in my mind in regard to my handwriting in their signatures.
Q And then the third name, right under it, as compared with your admitted handwriting, you had to wait and learn the facts afterwards to determine whether that was your signature or not? A No, I don't think that if I had considered the circumstances, I knew that there was a resemblance; what basis of the opinion that that might have been Mr. Thompson's signature was like this: I knew that he had been in the habit of at least sometimes signing his own name, and I was under the impression—and I do not now think I am much deceived- that his chirography bore at least some resemblance to my own, hence I doubted whether I had signed that name or not on that account.

Q You were aided somewhat at that time in your testimony by the fact that Mr. Thompson swore that that was his handwriting and not yours, didn't he? A Mr. Thompson is stating that that was my handwriting but my mind is to ascertain whether I was not mistaken or not, and after so long a time I concluded that I was.

Q And he stated, moreover, didn't you, that he always signed the original bill when he was present? A I do not recollect that I stated, that I used the word Palmyra, at that time, but at the time I was examined when the deposition was taken I recollect that he did, but when I got to court and examined the docket I was convinced that I was wrong, that occasionally I signed for him.

Q Then you never could put your testimony given on this trial a year and a half ago that you examined the docket day before yesterday, and aware of your responsibility as it is? A I don't know that I have thought of it since that time until yesterday or day before the examining the docket.

Q Now the only recollection that you have got and the only aid to your recollection that Thompson was present when this judgment was rendered was the fact that you and his were signed to it, in your handwriting, is it? A As a fact,-

Q You can answer that yes or no? A That seeing the handwriting aids my recollection and I recollect now that the commissioners were all present at the time that I signed it. I didn't their names out of court at all.

Q Was it in the forenoon now or in the afternoon? A I don't recollect whether it was in the forenoon or afternoon.

Q In recollecting that they were all present when the record was signed, do you mean to say that they were all present when the judgment was rendered? A Yes, that is, you mean when the question of admission or rejection was voted upon?

A Yes. A They were present.

Q Did you make up the record at the time that they rendered the judgment, or make a memorandum of it, and then write up the judgment some days afterward? A The record was not written up immediately upon the decision of any case, but I wrote up the record after adjournment, generally in the evening, and presented it next day or when the next session was had, for signature; that was the practice.

Q But in this Dawson case you wrote it up the very day that it was rendered didn't you? A I didn't recollect as to that.

Q And gave them a transcript the very day it was rendered? A I don't recollect as to that.

Q And indicated the giving of the transcript on the bottom of the judgment the day it was rendered? A I should say it was given at the date of the transcript.

Q That was a very unusual thing for you to do in entering up judgment? A To do what?

Q To notice on the bottom that you had given a transcript the same day the judgment was rendered? A No, I dont' know that there is anything unusual about that.

Q Any other places in that record or more than one in any event that you have ever done that? A I don't recollect, but as I don't recollect of giving anybody else a transcript.

Q That is what I am getting at: you gave them a transcript and wrote up your judgment and everything right away? A Pretty promptly after the decision: whether it was the same day or the evening, and signed next day, I don't recollect.

IT WAS AGREED BY COUNSEL OF BOTH SIDES THAT THE COMMISSION
MIGHT SIT DURING THE SESSIONS OF THE
AFTERNOON, TIME: 1:45 P.M., AT THE COURT HOUSE, IN THE FORE-
NOON, D. M. C. BLACK BEING ON THE STAND,
BY MR. HOGGINS:

Q Do you remember what witnesses were before the Court? A I don't remember now distinctly except Dr. Baker. I remember him mainly because of the length of his testimony; it took two days.

Q The Doctor was about the only distinct witness there was? A He is the only one now that I can call to mind.

Q There was probably another old darkey that testified who was illiterate? A I have no recollection of that at all.

Q The court was just decided solely on Doctor Baker's testimony, is about the only one that you remember about the case? A I am not certain that Dr. Baker was the only witness; might have been others that have now escaped my recollection.

Q Doctor Baker's testimony was taken down in writing? A Yes.

Q Was any not anybody else's testimony taken down in writing also? A All the testimony that was accepted in the case was taken down in writing.

Q Did you ever see anybody's else testimony in writing, except Dr. Baker in that case? A That is not as I recollect, I don't recollect any other but Dr. Baker.

Q You know whether that was taken previously before the trial or at the trial or how was it? A It was taken in the presence of the three Commissioners during the progress of the suit.

Q You remember how many terms the case was pending or how? A I do not recollect whether the case was on trial more than one day, but my impression is that it was.

Q Do you know whether it spent a term of the court or not? A I think it was the next term of the Court.

Q How many terms a year did that Court have then and how did they last? A I don't recollect of but serving but one term.

Q Don't recollect the serving but one term? A Usually, it seems to me so.

Q You didn't go in until January of 1888 did you, your first record is a record of about the 13th of January 1888, as shown in the book, isn't it? A I don't recollect in this regard.

Q How would they take testimony in the case, then continue it, or how would they generally do about that? A I think they decided on the case at the term in which they took testimony.

Q Can you say whether or not this testimony was taken in this case at the time it was decided on at the term it was decided, or within a week or two of the time it was decided? A My best recollection is that it was taken at the term at which it was decided; and was taken the testimony heard that the decision was made at the conclusion of the testimony.

Q Well now, I see on October 4th, 1888, on your handwriting, the following entry reads, "It is agreed by the parties that this cause finally be dismissed at the next January Term." That would be January, 1889, and the affidavit is present duly sworn to, etc., "This cause shall be continued to the next succeeding term, January 1889." From that the Court then continues the case till the next January term, 1889. Now that I should take it you had a

January and a September term; and this decision was rendered at the January, 1863 term. Was Baker's testimony taken during the January, 1863, term, at the time this decision was rendered? A I find it impossible for me to recollect those facts that are reported there; although I can say about that, that the record shows the correct statement of the facts; but I can't recall those facts.
Q Well there is a record here that this case was continued on the 13th day of January, 1863, upon agreement that it should be taken upon the 4th day of October, 1862; your record shows that there was nothing done in the case from January 13th, 1863 until October 4th, 1863; would you say that was correct? A I would say it was correct if it so stands on the book; it is designed to be a correct entry of the facts.
Q I will let you see the book for yourself; I don't want to misrepresent your end of it at all. (Shows entry in book to witness.)
A I can't recall those facts in regard to the agreement.
Q Who took down the testimony of the witnesses in court? A I took it down.
Q You took down the testimony of Dr. Baker? A Yes.
Q He was cross examined by counsel for the Nation? A As to that I don't recollect. He was present, he was always present; I think likely he was cross examined.
Q And that testimony was taken at or near the time when the judgment was rendered in January, 1863? A I think it was, my impression is to that effect.
Q Well the court was to have had no session as to this case from January 13, 1863 up to October 4th, 1862, according to the record? A (No response.)
Q You don't recall taking down anybody's else testimony in the case? A No sir, I don't.
Q And the probability is that he was the only witness examined, isn't he? A It might have been not by recollection is that he was recorded as the main witness of the case.
Q He was quite an old man, about 70 at that time? A Yes, he was quite old.

BY MR. McKENNON:

Q The testimony of Dr. Arthur Baker, from this record, appears to have been taken January 14th, 1863; is that correct as far as you may know, or are able to state? A Is that Dr. Baker's testimony? (Attorney here shows witness papers) A It appears to be, yes; I don't think that was the testimony that the case was decided upon, because his testimony was taken orally before the Commission, and I wrote it down; please let me see it. (Attorney hands said papers to witness.)
A Well, all I know about this is as I stated before, I can't recall those facts, but whatever the record says why I say that the record was made correct, according to the fact. (Witness takes copy of the testimony referred to to refresh his memory.) I don't understand in reading that very clearly to my own understanding, but I gather from the subject matter in that testimony that it is in accord with Doctor Baker's statement; an exactly word for word I am not able to say, but that is the tenor of the testimony.

BY MR. HUTCHINGS:

Q In taking the testimony you endeavored to get down all the material facts that you could in taking it in long hand? A Yes, very nearly word for word, as I could write it, with the exception of a little variation made necessary by the length of the witness' statement.

BY MR. McKENNON: Applicants object to all of the witness' testimony relating to the method of taking the testimony of witnesses at the trial, the character and effect of that testimony, and the number of witnesses, except so far as the same may be used for the purpose of testing the memory of the witness, because the same is incompetent, irrelevant and immaterial.

R. F. FORTNER, being first duly sworn, and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A R. F. Fortner.
Q What is your age? A 54.
Q You are a physician are you not? A I am.
Q Where do you reside? A Vinita, Indian Territory.
Q Do you hold any official position in your position? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the Legislative Committee of the Indian Territory and of the American Medical Association,-those are some, and the most important positions I hold at this time.
Q Are you a Cherokee citizen? A I am.
Q By blood or intermarriage? A Intermarriage.
Q Your wife is a citizen? A Yes, sir.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.
Q Do you know his general reputation in the community where he resides for honesty and uprightness of character? A I do, I think.
Q Is that good or bad? A It is good.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A About six or eight years, don't know exactly how long: known of him for ten years and personally I have known him about say six or eight years.
Q Do you know his general reputation for truth and veracity? A I do.
Q Is that good or bad? A It is bad.

BY MR. HASTINGS:

Q Mr. Le can belongs to the same church you belong to? A Yes, sir.
Q And has for a number of years? A Well now I say I think he does: I have always so understood.
Q Don't keep up with all your members? A No, but he has attended church there and my impression has been that he is a member of the church.
Q You didn't have any business before the Citizenship Court of which he was clerk, did you? A No, sir, not that I know of.
Q You was not at Tahlequah while he was clerk of a Court from 1900 to '3? A I don't believe I was.
Q Never had any business before that Court? A Had no business before them, not while he was Clerk to my knowledge.

BY MR. McKENNON:

Q You spoke of his membership in the church; he is in good standing as a member of the church is he? A Yes, sir.
Q I will ask you if Campbell Taylor's reputation isn't notoriously bad? A Yes, I have so understood it.

BY MR. HASTINGS:

Q I will ask you if you [illegible] bad in 1903, what those peop[illegible] of the Court? A That

Q But so far as you know his bad reputation dates back as far as you know him? A So far as I know him.

G. W. MILLER, being duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A G. W. Miller.
Q What is your age, Mr. Miller? A 61.
Q Where do you reside? A Vinita.
Q How long have you lived there? A Well I have lived there altogether about 13 years I guess, or 14.
Q And you a citizen of the Cherokee Nation? A No, sir.
Q What is your business? A Real estate and insurance agent.
Q Do you know D. W. C. Duncan? A Yes, sir.
Q How long hav you known him? A I have known him twenty years.
Q Do you know his general reputation for honesty and uprightness of character where he lives? A Why yes sir.
Q Is that good or bad? A It is good, so far as I know.
Q Do you know Campbell Taylor? A Yes, sir.
Q How long have you known him? A Well I have known him 18 or 20 Years, I guess.
Q Do you know his general reputation for truth andhonesty? A Well yes.
Q Is that good or bad? A Well, it is bad, I think.

ATTORNEYS FOR CHEROKEE NATION waive cross examination.

W. H. CURTIS, being first duly sworn and being examined testified as follows:
BY MR. McKENNON:
Q What is your name? A W. H. Curtis.
Q How old are you, Mr. Curtis? A 56.
Q Where do you reside? A Afton, Indian Territory.
Q How long have you lived in the Indian Territory? A 20 years.
Q What is your business? A Lumber business.
Q Do you know D. W. C. Duncan? A I do.
Q How long ave you known him? A About 20 years.
Q You know his general reputation for honesty anduprightness of character in the community where he lives? A I do.
Q Is that good or bad? A As good as any man's.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A Some 20 years, I suppose.
Q Do you know his general reputation for truth and integrity and honesty? A Yes sir.
Q Is that good or bad? A Bad.
Q Is it notoriously bad? A Yes.
Q Did you ever known Dr. Baker. Dr. A. B. Baker, of Berryville, Arkansas? A Yes sir, I knew him in '68 and '69.
Q Where? A Over at Berryville; I ran a saw mill in that country at Berryville.
Q Did you know his general reputation so far as honesty and uprightness of character and truthfullness? A Yes sir.
Q Is that good or bad? A Good sir. Good as any man's; he is a good Christian gentleman.
Q Did you know him well enough to know his habits of life? A Yes sir.
Q Was he in the habit of taking liquor, drinking liquor? A Not that I know, of sir, I never saw him take a drink in my life,

Q Was his character good as to truth and any such charge against him? A It was, yes sir.

BY MR. KUYKENDALL:

Q How long did you know Mr. Stuart? A Two years.

Q What does he do there? A He was an old gentleman then, he lived right in the edge of Harrisville, Mr. Baker.

Q How old do you think he was then? A I think he must have been 70 or 72 years old, an old gentleman.

Q That is all he was, not? A No sir, it was in '68 and '69, the two years that I lived over there.

Q He just retired from business? A Yes, sir.

Q Did he have any family? A Yes, sir.

Q What family did he have? A I don't know how much family he had, I was not acquainted with the old gentleman.

Q You don't claim any intimacy with anybody? A No sir.

Q And his character has never called in question one way or the other, has it? A No sir, no sir.

Q Colonel Taylor was a notary and kept a drug store? Now ever since you ever knew him wasn't he? A Yes sir, I never knew much good of him.

Q And therefore a man of bad citizenship came to get Campbell to work it, because he was notoriously a rascal, that's it ain't it? A Told a great many of them got him.

Q It was a notorious thing then, they had a bad case they would get him, it would sort of give a case a bad color to have Campbell around it? A Yes, that would be right.

Q You never knew anything about Mr. Duncan's connection with Mitchell's retirement, did you sir, never did.

Q You never heard about his changing some of the records of citizenship cases? A No sir, never did.

Q You have heard lots of talk about this Duncan case? A Yes sir.

Q Rather all around that somebody was doing something wrong? A Yes sir.

Q You never accused him of it you think? A I never heard him accused of it, no sir.

Q That he got out from the first day they were tabulated right up to the present? A Well I don't know not from the first day, I have heard it for a good while though.

Q But you never knew who has fixed it out? A No sir.

Q They have been a pretty strong family up there in that country haven't they, really large family? A Yes sir.

Q Cast a good many votes up there? A Yes sir.

Q Did you ever know of the Doctor's testifying any in court, Mr. Baker? A No sir, I never did.

Q What would you think of a man who would testify that in 1827 a girl that was single in 1825 when the youngest of her seven children was born in 1827; what would you think, would you think that was a statement to be made by a man who was truthful? A -

BY MR. McKINNON: Applicants object to the question because it is wholly incompetent, and not based upon any proof ... or admitted facts in the case, and it is wholly immaterial and incompetent.

Do you think that was a statement that would be made by a truthful man? A (No response.)

Q You knew him in '68? A Yes sir.

He was quite an old, decrepit man? A Yes sir, quite old, [illegible] '68.

Q 14 years from that time he was liable to be in his cottage?
A I don't know, he was an old man that I knew him.
Q He was too old to work, and retired from business then? A Well he did work a good deal, but wasn't doing any business particular that I knew of.
Q He would have been pretty old 14 years from that time? A Yes, he would be getting old.

D. H. HARRE, being first duly sworn and being examined, testified as follows:
By Mr. McKENNON:
Q What is your name? A D. H. Harre.
Q What is your age, Mr. Harre? A I am 44.
Q What is your business? A I am publishing a newspaper.
Q What paper? A The Indian Chieftan.
Q Are you editor of that paper? A Yes sir.
Q You live at Vinita, then? A Yes sir.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A 12 or 13 years.
Q Do you know his general reputation in the community where he lives for honesty and uprightness of character? A Yes sir.
Q Is that good or bad? A Good.
Q Do you know Campbell Taylor? A Yes sir.
Q How long have you known him? A Ten 15 years or longer.
Q Do you know his general reputation for truth and honesty in the community? A His general reputation, yes sir.
Q Is it good or bad? A Well it is not good.
Q Is it bad? A Well I suppose it must be bad then.
By Mr. McKENNON:
Q How long has Campbell's reputation been bad, Mr. Harre, quite a good while, hasn't it? A Why I think so, yes sir.
Q And it kind of began mostly with their citizenship business? A Yes, so far as I knew it did, yes sir.
Q Campbell got so many bad citizenship cases and through the mails, and they finally had him up about it, had a good deal of stir about it? A Yes sir.
Q And some of that stir was sort of occasioned by his helping the Dawsons in, wasn't it? A I don't know, I don't know whether he helped the Dawsons.
Q Was not that one of the principal cases that brought him into notoriety? A I don't know whether he had that case or not. I know he had a great many cases.
Q That was the principal thing that convinced the final Campbell out, was citizenship cases here? A I think that is what got him into the most trouble.
Q I say before that time nobody had talked much about Campbell one way or another, and it became pretty general that Campbell was handling bogus citizenship cases, and he got a bad reputation from that? A Yes sir, I think that was the impression generally.
Q Has Mr. Duncan's connection with the Dawson case sort of been kept back? People never talked much about it? A I never heard much talk about it, as I know of.
Q You have heard that there has been objection, now, about the Dawson case, that has been a notorious thing? A Oh it has been a notorious case, yes sir.
Q Tell the fact of Mr. Duncan's reputation for straightness has been somewhat given by himself, by confession in transactions in that?

...ning for every witness is somewhat given by himself; so ...e irregularities that were often, he said, done? Don't not ...hose matters I am qualified to answer that.
...r his own honesty, as does that very frequently?
...t that I know of.
...write a good deal about that sort of thing? A About ...ht.
...aking up in your integrity? A I don't remember ...

...ot about the citizenship courts going on in '21 '2 and ...A No sir.
...ther about the talk that was going on around the ...there about the citizenship cases? A Why no, don't ...ding special as I know of. I was not the citizenship ...on at different times.
...re for living for Parkersburg in '21? A Well, I lived ...ia, I guess it is sixty miles probably.
...ived any nearer Parkersburg since that time? A No sir,

...ER, being first duly sworn and being examined ...d as follows:
...EXAMINATION:
...ur name sir? A J. L. Miller.
...ficiary of the Chapel? A Yes sir.
...Pastor? A Yes sir.
...ve you been the Pastor? A I have been in the ...ears, sir.
...d live at Vivian? A Yes sir.
...ve been there four years, sir.
...ar C. Bender? A I do.
...how you long that is? A I have known him, Duncan 21 years, ...his general moral character for honesty and truthfulness ...ity.
...od character? A Good, as far as I know.
...d generality of knowing? A Yes sir.
...CKING:
...are a member of your church? A Yes sir.
...e principal way you have of coming in contact with him ...as a member of my official board.
...tion with citizenship cases that were decided by the ...h he was clerk was never brought up in your presence ...ld sir.
...ecumseh? A No sir, I know nothing about his ...ng it.
...live about or near Parkersburg in '21? A Yes sir, I ...the Methodist Church in '21 at Parkersburg.
...r about the Dayton cases, or other cases admitted over ...Citizenship Court? A No sir, I know nothing about the ...but when the Commission was in session, and I was order ...lerk of the Commission, but knew nothing about ...t were decided at all.
...anybody discuss the cases that were decided? A

THOMAS L. CHANDLER, being first duly sworn and upon, examined, testified as follows:

BY MR. ROBINSON:

Q [illegible] A Thomas L. Chandler.

Q [illegible] Mr. Chandler? A I am 30.

Q [illegible] A Deputy Clerk of the United States Court at Muskogee.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know D. W. C. Duncan? A Yes sir.

Q How long have you known him? A Let me see, I have known him about nine or ten years.

Q You have his moral reputation for honesty and uprightness of character in the community where he lives? A Yes sir.

Q Is it good or bad? A Good so far as I know.

Q Is your home Campbell Taylor? A Yes sir.

Q How long have you known him? A I think about 15 years.

Q Do you know his general reputation for truth and honesty? A Yes sir.

Q Is it good or bad? A Good so far as I know.

BY MR. HUTCHINGS:

Q How did Campbell Taylor get a bad reputation? A Well sir, I don't know how he did.

Q You never knew him until 1885? A Well I never knew him personally, I heard of him before that.

Q He had a bad reputation before '85? A Yes sir.

Q And reputation way back yonder? A First I remember I ever heard of him I heard people speaking bad of him, when I was a kid.

Q And everybody that one around the Nation and knew anything at all knew Campbell had a bad reputation? A Yes sir, ever so far back as '79 or '80, that is as far back as I can remember; I think I heard it spoken of in '80, I think that's about the time.

Q And Campbell got a very bad reputation in '80 and '81 when we began to have these citizenship cases? A Yes sir.

Q You heard him spoken of in connection and using the mails for those business? A Yes sir, I heard of him being in the Fort Smith Jail or that account.

Q Citizens of the Nation talked a good deal about Campbell's being in these bad citizenship cases? A Yes sir.

And I also heard he had a bad reputation for paying his debts, also about the same time.

Q You don't know whether he had the money, he might not have had the money to pay his debts? A No sir.

Q He could have kept out of bad citizenship cases? A Yes sir, I suppose he could.

Q You never heard Mr. Duncan's name mentioned before in connection with the bogus, citizenship cases? A No sir, I don't think I have, I may have, but I don't remember hearing it.

Q Several in connection that everybody had done something wrong with bad citizenship, citizenship cases? A I heard there was something wrong in connection with the bogus citizenship cases.

Q Don't you know been in politics ever since they were settled? A Yes sir, I have heard it rumored around over the country that such was the case.

Q Now is a pretty large voting community up there and it never was investigated? A I don't know about that, I don't know if it was ever investigated, I never heard of it.

Q So they never had any encounter to find out who the real liar
A No sir.
Q Where did you live in 1896? A Mr. I lived out on Buck Creek
about 18 miles South-East of Jasper.
Q How far from Tallequah was that? A About 45 or 50 miles, I
reckon.
Q Did they have Circuit Court in Tallequah in April or May during
that time? A No sir.
Q You don't know as your parents could have met and did have
sexual intercourse in Tallequah, do you? A No sir, I do not, at that time.
BY MR. MASTERSON: Defendants object to all of the testimony
of this witness that is what is known by and to her, about the
character of Bill Rogers, because the same is hearsay,
irrelevant, [illegible] and immaterial.

[redacted] Being first duly
[redacted]

[redacted] formerly Arkansas, early in
1896, [redacted] when he met Bernet Baker,
[redacted] and he told me I did engage also. He was a
[redacted] character, [redacted] reputed to be
everybody that knew him. He was a rather [illegible] drank liquor.
I don't [illegible] where it originated, but that good man's memory
that has been [illegible] should not be [illegible] against him
[illegible].
BY MR. MASTERSON:
Q How long did you know him? A I resided in Carroll County until
1897, when I moved to Johnson County, Arkansas, and the year
I was away from here, but I now [illegible] that I
resided in Carroll County.
Q Did you know his reputation? A Yes sir, I have seen him several
times. I have relatives living in the town in which he lived;
by relations to him were such as to cause me always to inquire
about Doctor Rogers; I knew his reputation I think as well after
I left there as I did when I lived there.
Q Did you know these facts in 1896 when you was a member of
this Commission? A Yes sir, I have known them all my life as I
know them now.
Q Did you know them when you was a member of this Commission passed
on the Steve J. Evans case? A I knew it every day of my life, in
1896 as well as now.
Q Suppose that Doctor Arthur Baker's sister should swear that
he was born in the year 1859, and suppose he said when he was 15
or 16 years of age that Anna Truett the wife of Samuel Dawson,
was a grown up girl going to school, then the other undisputed
evidence shows that she had married Sam Dawson prior to that time
and had several children, the youngest of whom was born in '83, how
would you harmonize that with a man who was an honest man and knew
the facts in the case? A Whatever Dr. Baker stated he honestly
believed, whether it was true or not, whether it was error or
truth he honestly believed it, and stated it as he believed it.
Q He was capable of being in error? A Every man is.
Q I say he was? A Yes sir, just as you and I and every one, he
was; I merely stated as to his character, which could be proven,
by every one who knew it, I [illegible] I knew it.
Q The Commission rendered Steve J. Evans in 1896, of which you were
a member? A I don't remember anything about that personally.

TESTIMONY ON BEHALF OF CHEROKEE NATION.

[redacted] Jones, [redacted] duly sworn, and being examined,

Q [redacted] Jones.
Q [redacted]
Q [redacted]
Q [redacted] Yes sir.
Q [redacted] 4 years.
Q [redacted] Illinois.
A [redacted]
Q [redacted] Cherokee Nation
Q [redacted]
Q [redacted] by his citizen-
ship [redacted] A I will go
into [redacted] Yes sir.
Q [redacted]
Q [redacted] Yes sir.

Q Where does Mr. Johnson reside? A Muskogee, on a house
he owns.
Q Where is Mr. J. R. Haines?
Q How else was Trent? A Miller was present.
Q That is not A It is.
Q Trent was Mr. Dawson at that time? A I don't know, he
was [redacted] years old.
Q Was he or was he not? A Yes sir.
Q Exactly what is the situation? A No sir.
Q Was he not, also, arrested on Sheik's trial out? A I don't
know whether he was or not.
Q You don't know what he had to do with Sam Sixkiller, in Choi, himself,
do you? A No, I judged it was himself and Fiddle that went that
went to get Sheik. Attorney's term, sir. That is the way I
took it anyway.
Q You were in a position to know, were you not? A Yes sir.
Q Where A At Ames Ford.
Q Before the Commission? A Yes sir.
Q Duly sworn, was? A Yes sir.
Q You were an applicant then before the Commission were you? A
Yes sir; been rejected ever since.
Q Are you still an applicant? A Yes sir.
Q Still trying to get in? A Yes sir.
Q Living by himself? A Yes sir.
Q How long have you been living in the Cherokee Nation? A 18 years.
Q Where did you come from? A Indiana.
Q Did you ever be a Cherokee citizen? A Yes sir.
Q Indian? A Yes sir.
Q Joseph Haworth is dead, is he? A Yes sir.
Q How long has he been dead? A I think he died probably within
two years after that.

TESTIMONY TAKEN ON BEHALF OF THE APPLICANTS.

F. E. Dawson, again re-called and further examined, testified
as follows:
By Mr. McKennon:
F. E. Dawson? A Yes sir.

Q Mr. Dawson, what member of your family came to the Cherokee Nation to file and prosecute the claim of your father, Robert Dawson, and the members of his family, to Cherokee citizenship?
A My brother from Texas met me at Tahlequah.
Q Tell his name? A Elbert Dawson, they all know him by Buck.
Q When was that? A In '81 as well as I remember, or '82, I don't know which, it was in '81 or '82.
Q Did you file your claim at that time? A My brother was, yes, the application,-my brother had Joel Mayes to make it out and file it. That is my understanding.
Q Joel Mayes, who afterwards was Chief of the Cherokee Nation?
A Yes sir.
Q Before what court was that filed? A My understanding now he was clerk of the court; Hastings can tell me what court he was clerk of.
Q He was clerk of the court at that time? A Yes sir, of the citizenship court; that's my understanding.
Q What was done about the case at that time, if you remember? A I went back home and left my brother down there at that time, that trip.
Q Where did you then live? A I lived at Perryville, Arkansas.
Q When did you next come to the Cherokee Nation? A I believe I came back the next January, that was in September.
Q Was your brother Buck here then? A I don't think he was, I don't remember.
Q Well had he at any term of the Court or session of the Commission at any time after you first came here and filed the application until after it was decided? A No sir, I never met him any more until that case was decided.
Q You conducted the business then after that did you not? A Yes sir.
Q The case was finally determined in January 1883? A '83, yes sir, the 11th day as I remember.
Q Were you present at that session? A Yes sir.
Q Was there any decision of that case other than the one of record here? A I never heard of it if there was.
Q Was the judgment rendered in that case as recorded in the record Book of that Commission now in the custody of the Dawes Commission the only judgment that was rendered in that case so far as you know?
A Yes sir, so far as I know, if there was any I never heard of it in that case.
Q You then know of no decision against you in the case? A No sir.
Q Who was your attorney employed at the beginning? A I employed A. H. Norwood.
Q Was he a Cherokee Citizen? A Yes sir, I think so.
Q Where did he live? A At Claremore, my understanding.
Q Was he present at any time before the Commission? A I never saw him, he never met me there before the Commission.
Q Did you pay him any money? A Yes sir.
Q How much? A Fifty dollars.
Q Did he ever render any services? A If he ever did I never knew it.
Q Well then who did you employ? A My brother employed Joel Bryant.
Q Was he a Cherokee citizen?
A That is my understanding.
Q Was he not a prominent Cherokee citizen? A Yes sir.
Q What service did he render? A Well sir, I don't know whether he rendered any or not, only he met me a time or two at Tahlequah, and he was before the Commission; whether he rendered any services

or not I don't know; he was generally always at Washington City during the term down there.

Q Well what did he do about it? A I don't know, I couldn't say that he done anything about it. That is Mr. Bryant, he was always gone.

Q What more you done about the employment of an attorney? A Why I got a letter from Joel Bryant that he was going to Washington City and for me to come down in January term and Campbell Taylor would run to my trial before the court.

Q Did he say that he had engaged the services of Campbell Taylor the attorney, to attend to it in his absence? A Yes sir, in his absence.

Q Have you got that letter? A I don't think I put the letter.

Q Well what did you do then? A Why when the time come I come down on the 4th to Washington here and I come over from here to Fort Gibson and I went down to see Uncle Houston Benge and stays all night with him; it was very cold weather, and I got him to go over my affairs by name to the court; I went over one day and the next day Uncle Houston Benge come over and the next morning after he come over the case was committed.

Q Did he sue it the court? A Yes sir, he told me so.

Q For you? A Yes sir.

Q Were you present? A I was present until they went to take the vote on the case and then we was drove out of their room and they had a secret session, acting on the case.

Q Was Houston Benge present with you? A Yes sir.

Q Were you in the court when he submitted it to them? A Yes sir, when he made his argument.

Q He made an argument before the Commission? A Yes sir.

Q Was the decision rendered on that day? A Yes sir.

Q How long after he made his argument and submitted the case? A Was not but a little bit; when we were drove out of the house the first time before they went into secret session they wanted me to get up the cigars to the court and the crowd in the house; after the decision was rendered then I was to get up the cigars, and everybody come to me and told me to go and get the cigars and I done so.

Q And you took the cigars there and all? A Yes sir, everybody, the attorneys and all that was in the house, all had a cig smoke.

Q Did they then announce their finding in the case? A Yes sir, they told me that I was granted my citizenship right and by the Commission.

Q What did you do about it then? A Why the Clerk wrote it out by certificate.

Q That same day? A That same day.

Q What arrangements did you make with Mr. Benge about his fee, and what was the amount of his fee? A There was no arrangement made until we got up there and he submitted our case; then he wanted me to pay, he charged me fifty dollars, that was his fee.

Q What was the agreement about the matter, the manner in which that fee should be paid? A My brother in Texas was to pay it.

Q Were you to write or was he to write? A He was to write for me.

Q Did your brother in Texas ever pay his fee of fifty dollars? A Yes sir.

Q Was that all that was to be paid? A All he was to have; all he charged me.

Q You heard his statement when he gave his deposition at Fort Gibson the other day did you not? A Yes sir.

Q He (Mr. Starr) that you paid him fifty dollars before you went away to Tahlequah did you do that? A No sir.
Q Is it that you paid him fifty dollars after he got over to Tahlequah, did you do that? A I never paid him a cent in my life.
Q After that judgment was rendered where did you go to? A I went back home to Arkansas.
Q By what route? A I went by Silom Springs and on by Spring Dale and I went to Fayetteville, took the railroad there and went on by Sulphur and by Purdy Springs home.
Q You then did not return to Fort Gibson with Houston Benge, as he states? A No sir, I did not.
Q Why did you not return by way of Fort Gibson? A Well I thought maybe the others was the cheap at road and struck a hack going out by Sam Hobbs where I was boarding at, I could go to Silom Springs and I went by that route and then there was a hack going by Spring Dale, that was the most direct route.
Q That was the most direct route from your home was it not? A Yes sir.
Q And the cheaper? A And the cheapest route.
Q Had you been coming back to Fort Gibson you would have been going directly away from home would you not? A Yes sir.
Q Your home was nearly east, due east of Tahlequah was it not? A Yes sir, little north of east, pretty near due east.
Q While Fort Gibson is almost due west is it not? A Southwest.
Q You heard him at the time that you went to Fort Gibson with him, and he you came you stated to him that the way to reach that court was through Gibson and you reached this through Duncan with five hundred dollars, did you make that statement? A I never did, I didn't have the five hundred dollars to reach him.
Q Did he while at Tahlequah inthe court room on the evening before this judgment was rendered in your favor, tell you that the court had rendered a judgment against you? A No sir.
Q And did you then say to him, you would fix that? A I had no such conversation with him.
Q Did you pay to D. W. C. Duncan, who was the Clerk of the Court any sum of money, or agree to pay him any sum of money, directly or through any other person for any services he might render you by way of influencing the court to decide in your favor? A No sir.
Q Or for any other purpose? A No sir.
Q Did you pay him any money after that through Campbell Taylor? A Yes sir.
Q What amount? A 30 or 35 Dollars, I don't know which it was.
Q State what that money was paid for? A For a claim.
Q What do you mean by a claim? A Claim on the public domain; he had a claim up there close to me; paid him 30 or 35 dollar for his claim he had up there where, on the Cherokee Public Domain.
Q What did Campbell Taylor have to do with your case?
A He had nothing to do with it.
Q Did you agree to pay him any money for his services as an attorney? A No sir.
Q Did he perform any services in that case foryou as a representative of Mr. Bryant? A No sir.
Q Did you pay him any money? A Yes sir.
Q On that account? A No on account to me and said he had the claim against me for Joel Bryant and wanted me to pay him the money and I done so.
Q What amount? A Hundred dollars.

Q [illegible] A [illegible] Joel Bryant.
Q Did [illegible] account to Joel Bryant, or [illegible] A Joel Bryant claimed [illegible] to [illegible] again, paid Joel Bryant [illegible] dollars we owed [illegible]; E. Duncan paid Joel Bryant [illegible] we never did get [illegible] from Campbell Taylor, only [illegible] twenty dollars or twenty-five dollars; that is all we ever got back from him.
Q How did you get that 25 dollars out of it for Duncan? A I kept after him and talked him in to pay that money and to do, he rendered no services to us at all and the money was to go to Joel Bryant, and I finally worked out the twenty or twenty-five dollars, that is all I ever did get back.
Q The amount that was paid to Duncan? A Yes sir.
Q Was this money paid to him, this one hundred dollars, while you were there at the time the jury was rendering, or was it sent to his office[illegible]? A I think it was paid them, I believe I remember about it.
Q You think it was paid him? A Yes sir, that's my recollection now.
Q Did you send him one hundred dollars after you got back from there, subsequent to the rendering of that judgment, after it was rendered I mean, [illegible] any fifty dollars of that or any of it to D. W. C. Duncan? A No sir.
Q Did you send him a second one hundred dollars in any direction? A No sir.
Q Mr. Duncan, do you know when it was finally in all to obtain this office and [illegible] Cherokee Nation under this judgment? A [illegible] it I do.
Q Well about what was it? A About five hundred dollars, pretty near 500 dollars. That is what I considered, I was beat out of some of my money, that I was beat out of and expenses.
Q Now make a statement of what that money was paid for and how, so far as you remember, item for item now? Tell the first fifty dollars Duncan got; the next fifty dollars Bryant got; that was his attorneys fees; I speak of the attorneys fees now; the next money was the hundred that Campbell Taylor got; the next attorneys fees was Bryant's one hundred dollars.
Q Was that all the attorney's fees? A I think it was, no, wait, I paid Rose 15 dollars for taking Baker's deposition.

Q What Rose was that? A The old Chief, Will Rose I think was his name, William P. Rose.
Q So then, this Chief William P. Rose for taking the deposition of Mr. Baker charged you fifteen dollars? A Yes sir.
Q Do you remember that he acted as your attorney and examined him? A Yes sir.
He examined it before the Commission, took his statements.
Q What other attorneys were there present? A None of this was present.
Q Well now, go on? A Pay the expenses of taking Dr. Baker and he [illegible] Bryant, I will now I remember he charged me 5 dollars a day and I [illegible] and his expenses down there; we [illegible] through [illegible] Arkansas, to Arlington, and our board and [illegible] I think it was about 75 dollars more [illegible] taking it. Maybe a little over that.
Q Did you pay him a per diem? A I paid him five dollars a day for his time and then his expenses.

Q Well? A Well I made several trips out here at different times to Tahlequah before the Convention, and back, three or four trips as well as I remember now, cost I 20 or 25 dollars each trip, as I remember about it.

Q Do you remember how many trips aside from the one in which you brought Mr. Bakeps? A No, I think there was probably three trips I think it was, maybe more, and then I made one trip to Claremore to see A. R. Norwood.

Q What did that trip cost you? A I don't remember what it cost; I went on a horse then I think.

Q You went [illegible] Norwood before, down by railroad, what did that trip cost you? A I don't remember what it was, whether it was 21 dollars or 30 dollars, one or the other, I don't remember which it was, but between, or whether it was the first, it was either 21 or 31 dollars.

Q Was there any other amounts that you know of that was paid by you or your family, any members of your family, other than that you have enumerated? A I don't, I don't know; I can't tell to my memory right now.

Q What was the condition of the members of your family generally now, financially, at that time? A Well we were pretty poor people; I don't know, we didn't have much money, generally.

Q Was there any one of them that was better off than the others, and if so, which one? A I suppose Elbert Bruner was better off than the others, Buck Bruner.

Q Do you know how much Buck Bruner paid of these expenses? A I don't think he paid, he paid the large debt and the arrest debt, I think it was.

Q That is one hundred and fifty dollars? A Yes sir, that he came up on one trip and taken some evidence with Joel Bryant when Joel Bryant was Clerk of the Court before this Tehee Court, I don't know what that cost him.

Q Came up he heard tool sq. to Timony? A Yes, came up and went back to Texas. Filed his claim and took some testimony and went back to Texas and I didn't see him.

Q Did that testimony include Dr. Baker's testimony? A No sir.

Q You know how many witnesses were examined then? A I only know what he told me.

Q How many? A Four witnesses.

Q You know whether they were residents of the Cherokee Nation or not? A He told me they was.

Q Were you present on that trip in which he came there and took that testimony? A No, I met him there and then I went back home and left him at Tahlequah.

Q He had it on the testimony before you left him or afterwards? A He taken it afterwards; that was my understanding.

Q Did Buck Bruner pay the one hundred fifty dollars that you mention? A I think it was.

Q And the expenses of taking those witness up there A Yes sir.

Q You also interested many men of the members of your family? A My husband and father lived down in Sallisaw, me and my brother-in-law Alexander, we all chipped in together a few dollars from each family.

Q You heard the statement of C. C. brought that in June 1883 you were paid, that you had sent you 800 dollars, did you make any such statement to him? A I never did.

Q And that you paid one witness 300 dollars? A I never made any such statement.

Q Did you pay any witness any such sum? A No sir, I paid Dr. Walker for his time; he said his time was worth $ dollars a day, sir, and I paid it.
Q And you are not any witness any more than that? A No sir, he was the only witness I had down there in my case.
Q Well the Robert Dawson case? A Yes sir.
Q He says that you held him this in your house there on your place. Did you have any house there in June 1883? A I was not living on my farm at that time.
Q Did you have any farm? A Didn't have any.
Q When did you build a house there? A I built a house on the farm I live in now by Mr. Wright, I moved on the farm the last of July, 1883, and I carried in my wigwam.
Q What did you do? A I went to the timber and cut poles and boards out and made me a log cabin on the place by a spring near it, Wright.
Q About what time did you finish that house? A I was in September.
Q How long after you finished that house until you brought your family out? A I finished it up and got it covered and the floor in it and I went back to Dardanelle after my wife.
Q What family did you have then? A I had my wife and she had one child; but my oldest children, by my first wife were with me in the Territory, camping with me, three little boys and one girl were with me, and one girl back in Arkansas.
Q Are you and C. C. Brought on good terms? A No sir.
Q What has been the character of the trouble between you? A Trouble over our places first started it.
Q When did it begin? A As soon as I got back from Arkansas he commenced fencing crowding me out to take my farm and fronts, and we have been in a racket ever since.
Q Then his statement that you were on friendly terms, is it correct or not? A No sir, it aint correct.
Q He and you have never been friendly as neighbors then since you first came back from Arkansas and settled in the Territory? A I don't remember ever being in his house, I never was in his house.
Q Have you had law suits with each other? A Yes sir.
Q How many? A I don't know that we had any particular law suits, but I have had law suits and he has been a witness against me.
Q What was your last trouble with him, when I mean? A Along last fall.
Q That was when your boys had a little racket and he had your boy arrested? A Yes sir.
Q What was the age of those boys? A Eleven years old.
Q He had him arrested down at Vinita? A Yes sir, had his arrested and carried before the Commissioner at Vinita.
Q He was discharged on account of his age? A Yes sir.
Q Jack Dawson is dead is he? A Yes sir.
Q How long has he been dead? A Three years, little over three years.
Q And Jarus Dawson is dead? A Yes sir.
Q Is your father, Robert Dawson living? A No sir.
Q When did Jarus Dawson die? A I don't remember boy, been dead several years, I don't remember how long; 6 or 7 years, I couldn't state.
Q When did your father, Robert Dawson die? A I believe it was in 87 as I remember now, I might be mistaken.
Q Were all these moved to the Cherokee Nation before their death?
A No sir, father died in Arkansas.

Q Those that lived here in the Nation they lived here in the Nation but went back to Arkansas and died there? A Well the rest of my folks all lived here. That was James Dawson and Buck Dawson.
Q Robert Dawson, your father, never did move to the Territory, did he? A No.
Q Did you hear the statement of the witness Beavert this morning, that about the time of hearing of the James Dawson case, at a negro church at night James Dawson came down there with someone else was introduced to him, and he loaned him ten dollars; did you hear that statement this morning? A I heard the statement, yes sir, I heard it.
Q He says that man James Dawson was 35 or 40 years old; was there any James Dawson living below in, to your family at that time of any such age? A No sir.
Q How many James Dawson's were there belonging to your family? A There was my uncle James Dawson and a brother James Dawson, the Doctor here.
Q How old was your brother James Dawson then? A He was a tolerable old man, I don't know his age.
Q About what age? A What have been 60.
Q Between 60 and 70? A Yes sir.
Q That was the age of your brother James? A At that time?
Q Yes sir, in '84? A In '84 I suppose he was about 18, something like that.
Q Had he anything to do with the James Dawson case? A No sir.
Q Was he present at the time that the James Dawson case was under consideration? A No sir.
Q Was James Dawson, your uncle, James Dawson, present at any time during the consideration of his case? A No sir.
Q He never was present? A No sir, if Uncle Jim Dawson was ever in Tahlequah I never knew it.
Q Who conducted the prosecution of the James Dawson case before the Cherokee Citizenship Corrission, who conducted it? A The James Dawson case?
Q Yes sir? A I think James Low and Bill Jackson and Campbell Taylor.
Q Were you acting with them? A Yes sir.
Q They employed Campbell Taylor? A Yes sir.
Q Then there was no James Dawson present during that session of the Corrission? No sir.
Q What was the condition of James Dawson's health at that time?
A It was pretty poorly; was not good.
Q Was he at that time able to get about and attend to business?
A I don't think he was.
Q He was not a very feeble minded old man at that time? A Yes sir.
Q Regarded as rather a silly man was he not? A Yes sir.
Q Did he attend to any kind of business of the family at that time?
A No sir, didn't.
Q What was his financial condition? A Pretty bad.
Q Did he have any money? A No sir.
Q Did he have any property? A None hardly at all; horse probably, or a cow or two, or something that way.
Q Was that about all the property he had? A Yes sir.
Q How about the other members of his family that were admitted at that time; what was their financial condition? A They were in poor circumstances.
Q Now then after these judgments were rendered what members of your family removed to the Territory, Cherokee Nation, I will say?
A Robert Dawson and family and James Dawson and family, that is, them and their children.

Q Robert Dawson didn't remove here? A No, I said except Robert Dawson.
Q Did all the members of Robert Dawson family move here? A Yes sir.
Q Except himself? A Yes sir.
Q And all the members of James Dawson family? A No, not all the members, Melvina Low I don't think ever lived here.
Q She has never moved here? A No sir.
Q Well all the members of your family, your father's family included in that judgment of the Committee, rendered January 11th, 1883? A All but one.
Q What was the name of that one? A Edna.
Q A daughter? A Daughter of Robert Dawson.
Q Your sister? A Yes sir.
Q Was she then of age or was she a minor? A I think she was a minor, as well as I can remember.
Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.
Q By a Commission or by the Cherokee Council? A She was first admitted by the Speaks Court, her and two of my neices.
Q What are their names? A Katie Vernon and Verna Fishback.
Q What became of that? A The certificate papers they got was lost, and they went before the Council in 1894 andthey was readmitted back by the act of Council.
Q That was in 1894, the Cherokee Council admitted, re-admitted as they called it, the three above named? A Yes sir. Mary and Verna Fishback and Katie Vernor, they have now the same names now except Vernor, it is not, Tob Robinson married the widow, a neice of mine.
Q Now then was there any other consideration of the Dawson case by the Cherokee authorities at any time aside from these two judgments in '83 and '84 admitting the two families of Robert and James Dawson, and the act of Council of '94 admitting these three whom you have just named? A Yes sir.
Q When? A My two of my sons was placed on the roll by the act of Council in 1892 I think it was; left off of the rolls in per capita payment and they was placed on the rolls I think, and Sam Nightingh member of Council, got their draft or checks for the money.
Q Have you got that copy of the act of Council admitting them?
A Yes sir.
Q There is it? A (Produces papers.)

BY MR. McKENNON: We offer in evidence an act of the Cherokee National Council making an appropriatinn of 20,000 dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount set opposite their respective names, provided that the Principal Chief shall draw warrants for such amounts, and further provided "That the names of the persons appearing on the per capita rolls in this act shall be placed (on) the authenticated roll of 1880 by the Principal Chief."
This act was approved December 31, 1891.
Approval signed by Stephen Tenes, Assistant Acting Principal-
In this list appear the names of William R. Dawson for payment of $11,70, and of Marion Dawson, for a like sum. Are these now the names of two of your sons? A Yes sir.
(This paper above introduced, is filed and made a part of the records in this case.
Q Was there any other action of the Cherokee authorities relating to members of your family? A Yes sir.

Q When? A In 1894.
Q What was that? A Allowing them their Strip Money.
Q Have you a copy of that? A I think I have. (Produces papers.)
BY MR. McKENNON: We offer in evidence A duly certified copy of an Act of the Cherokee National Council approved November 24, 1894, signed C. J. Harris, Principal Chief. Senate Bill No. 18, appropriating a sufficient amount of money to make payment per capita of what is known as the strip money to certain persons named therein. Among them are members of the Blessingame family, as follows: Jane, Elbert, Henry, James Ross Bertie, Pearl, Ross, Myrtle, Winnie and Clifford; this act mentions these persons as Cherokees by blood, and whose names had been left off the pay roll approved May 3, 1894, providing a payment to each one of these a sum of $265.70.
Q Were these members of the Robert Dawson family? A Yes sir.
Q Which one of the members of the family? A Jane.
Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.
Q And her children? A Her children, was not admitted, she was admitted.
Q I mean this mentions her children here? A Yes, that mentions her children.
(The paper last above introduced is filed and made a part of the record in this case.)
Q Do you know whether the payment of the Cherokee Strip Money was to Cherokee citizens by blood only or not? A Yes sir.
Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A Why the Douthett children, my brother's grand-children. Two grand-children of E. Dawson.
Q When was that? A That, I think it was in '84.
Q Have you got a copy of that act? A No, the record is here.
Q Was that by the Spears Court? A Yes sir, by the Spears Court.
BY MR. McKENNON: We now offere in evidence a judgment of the Cherokee Commission on Citizenship, 1880 and 1884, found on page 190, case No. 181, dated September 8th, 1884, signed by Eli Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Lula Douthett and Dallas Douthett as Cherokees by blood.
Q These now are the Douthetts to which you refer, are they? Yes sir.
BY MR. McKENNON: Attention is called to the fact that the names of the Commissioners are all signed in the same hand-writing as the record of the judgment.

The said judgment record above introduced, and found on page 190, No. 181, record of 1880 to 1884, is as follows:

"Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, September 14th, 1883.

E. Dawson, for his grand-children,)
No. 181.)
Lula Douthitt, (C. H. Taylor,
Dallas Douthitt,) Atty for Claim.
vs (
The Cherokee Nation.) Petition filed September
(14th, 1883.

Case submitted by claimants Sept 14th, 1883.
Case submitted by Solicitor, Sept. 19th, 1883.
Continued by Petitioner Jan 22 1884 to September Court 1884.
Re-submitted September 2nd 1884, by Attys Taylor and Benvert

Submitted by defense Sept 9 1884.

And now on this the 12th day of September 1884 come this case for final hearing and all the evidence in the case having been carefully read, and considered by the Commission on Citizenship it has been decided by the Commission that the above named Lula Danthett and Dallas Danthett are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

Ellis Spears, Pres.
John Lee,
John L. Adair, Andrew Young,
Clk Com'n. Commission on Citizenship."

Q Now were there any other actions of the Cherokee authorities of like character relating to the members of your family?
A I don't remember of any others.
Q I will ask you if when the Cherokee authorities were making the roll of 1896, in compliance with the request of the Dawes Commission for a roll to be prepared by them for the use of the said Commission, the question of the citizenship of the members of your family was not then raised and an investigation had in regard to it? A Before the Dawes Commission?
Q No, before the Cherokee Commission making the roll of 1896, of which John T. Gunter was a member? A Yes sir, yes. I had forgot it, but since you have named it there was some investigation of that at that time; this is what I understood.
Q That roll shows that the members of your family were duly enrolled by that Commission? A Yes.

Q Have you and the other members of your family since your removal to the Territory in 1883 and immediately following been recognized as Cherokee citizens by blood? A Yes sir.

Q Have you been exercising and enjoying all the rights of Cherokee citizens by blood since that time? A Yes sir.
Q You and all the members of your family are living in the Cherokee Nation? A Yes sir.
Q You have all drawn Cherokee moneys whenever payments were made? A Yes sir.
Q And have you all male members been voting at the Cherokee elections or in the Cherokee elections? A Yes sir, I was one of the judges of the elections that was held voting on the treaty.
Q What treaty? A The treaty bill that was sent back here for the Cherokees to vote on; I was one of the judges at Afton.
Q In what year was that? A I believe it was last spring some time, last April.

Q Have any of you held any offices in the Cherokee Nation? A Yes sir.
Q What offices have the members of your family filled? A Deputy Clerk, under Pete Hastings, when he was clerk of Delaware District. I was a candidate once for Council in the Downing Party.

Q Can any office of deputy clerk be held by any one else except a recognized citizen? A Only by a citizen, yes sir.
Q Is that all? A (No reply).
Q Have the children of members of your family attended the Cherokee schools, and been educated in Cherokee schools? A Yes, sir.
Q Have the members of your family been all the while subject to the jurisdiction of the courts of the Cherokee Nation? A Yes sir.
Q Have they been tried for any offenses against the laws? Yes sir.
Q And have they instituted their civil suits in the courts of the Cherokee Nation? A Yes sir.
Q And had suits instituted against them in such courts? A Yes sir.
Q Some of these cases have gone to the Supreme Court of the Cherokee Nation? A Yes sir.
Q And were passed upon by that tribunal? A Yes sir.
Q Is there anything else? A Nothing now; I am sick this evening; I have got the head-ache so bad I can't hardly see.

BY MR. HUTCHINGS:

Q How old was your father Robert Dawson when he died? A I don't know, I couldn't answer that.
Q He was a very old man? A Yes sir, he was getting tolerably old.
Q Could you tell how much older he was than you? A No I don't know.
Q Mr. James Dawson in 1884 must have been a very old man wasn't he?
A Well he was old and he was feeble.
Q Well you stated that he had become silly: was he naturally that way? A He used to live in Texas: I didn't know him until after he came to the Territory.
Q I say he had gotten so old, that was the occasion of that?
A I suppose so, the oldest one of these children was Mrs. Betty Petty, that's my understanding.
Q And the oldest boy was John Dawson? A He always called him Jack.
Q Jack Dawson he was the oldest? A Yes sir.
Q Sam was the youngest? A Sam Riley.
Q He was the youngest one of the crowd? A Yes sir.
Q Your father lived four or five years after he and you were admitted to citizenship? Yes sir, something about that, it was in 1883, I think he died in 1887, I wont be positive; that is as near as I remember now. I have got a headache so bad that I can't remember anything.
Q He now none of the older members of the family were ever present at any of these trials of citizenship? A No sir, not a one of them was.
Q Not a one of them was ever called upon to testify as to the blood of their mother, who she was or anything about it? A I don't think they was.
Q Your claim of kinship was through Captain John Rogers and that your grandmother was the half sister of Big Joe Vann, wasn't it?
A I don't know, I couldn't answer the question.
Q You were there when they took the testimony? A I was there when Dr. Baker's testimony was taken, that was about 16 years ago.
Q And nobody kin to the Rogers and Vanns was ever called to testify in the case? A Not as I know of.
Q They were very well known Cherokee families in the coun try?
A I suppose so, I don't know.
Q And yet nobody on any side of the family connected with it was ever called to testify A Not that I know of, I don't know what my brother done, he taken some of the evidence at Tahlequah when I was not there; he first filed his claim.

Q You had spoken to Dr. Baker about the testifying before you brought your case didn't you? A No sir.
Q Must have been a short time afterwards? A It was a short time afterwards. I went back after him and it was too late and I fetched him the next time.
Q You had talked to your brother about what you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our folks.
Q You had told him in a general way you expected to use Dr. Baker as a witness? A Yes sir.
Q You went off, came to Arkansas and left your brother at Tahlequah after you told him that fact? A Yes sir.
Q You didn't see your brother any more until after you were admitted? A No sir.
Q You and he however made trips back and forth to Tahlequah and here at different times, but you didn't happen to get together? A No. I never met him any more and I don't know that he was there until after we were admitted.
Q But you were there and brought Dr. Baker over? A Yes sir.
Q And took his testimony down on such a matter before ever you were admitted? A I think he did as I remember, yes sir.
Q How the way you came to get Campbell Taylor was on the recommendation of old man Bryant? A I didn't get him, didn't use him.
Q The way he came into your case? A The way he claimed to come in.
Q He did more in your case than Bryant did? A Campbell didn't do anything.
Q What did Bryant do? A I think he help my brother take evidence my brother employed him.
Q How did you happen to be sending money by Campbell to Mr. Duncan? A I never sent him any money.
Q Then when he, Mr. Duncan, states that Campbell delivered the money as Campbell said he did, both were wrong? A Oh no, you are mistaken, Mr. Duncan got 20 or 25 dollars, which he stated, from Campbell Taylor, for me.
Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryant, and he wouldn't do it, and I tried to get the money back from him, and I finally worked the 20 or 25 dollars he gave to Duncan.
Q Then you didn't tell Duncan as he testified that you sent 20 or 25 dollars by Campbell Taylor? A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for me of the money I give him to give to Joel Bryant.
Q The family kept Campbell Taylor employed though as their attorney after that? A In the James Dawson case I think so.
Q E. Dawson, you remember, had him for his grand-children? A That is my understanding.
Q And your uncle James Dawson had him in the case of his children? A Uncle James had nothing to do with it; James Lowe and Bill Jackson got him; that was my understanding of who employed him.
Q The record here shows that the case was originally instituted by C. E. Taylor and was finally submitted by him September 2nd, 1884, in the James Dawson case? A I don't deny him being in that case.
Q You say he was employed in the E. Dawson case? A I don't know who was in the Douthett children's case.
Q The record shows that Campbell Taylor instituted the case, and it was finally submitted by him, and Mr. Beevert, who testified a while ago? A That was in the James Dawson case, wasn't it?
Q That was in the E. Dawson grand-children? A Elbert?
Q No, in the Douthett children's case? A Oh yes.

Q He was likewise attorney in the Mary Dawson case was he, and before the Adair Court, the 4th of October, 1887, in the case of James K. P. Dawson? A I don't know anything about that.
Q And the case involving of Riley Dawson? A I don't know anything about those.
Q They are relations of yours? A Well I wouldn't say.
Q James K. P. Dawson proves to be a son of Riley Dawson? A Well if he is he is no connection them. There are so many Dawsons I don't know them all.
Q You know Andrew J. Dawson? A Yes sir.
Q The Dawsons have so many children their brothers didn't hardly know them did they? A That's it, I don't know them.
Q Well then you don't know who Andrew J. Dawson is? A No sir, I don't know.
Q He refers in his application as being a cousin of E. Dawson, and your self, who were admitted to citizenship by the Tehlo Court? A He may be, I don't know nothing about it.
Q He resided I believe, at that time at Nevada, Missouri? A I don't know anything about the people.
Q Old man Baker was an old and paralyzed man at the time he testified wasn't he? A Getting old, he was not paralyzed.
Q Then the statement made that the reason he couldn't write his name and had to make his mark, because he was paralyzed, in the testimony isn't that true? A He didn't have good use of his fingers.
Q Then he was not paralyzed? A No, I brought him over there in a hack from Berryville, Arkansas.
Q Well I say he was a very old man? A Yes, getting old.
Q Now didn't you come to this place and then joining Brought's and work on it some time before you brought your family? A No, I brought my family with me, except my wife.
Q And you subsequently built a log house on it? A Yes sir.
Q And went back and got your wife and moved them to the log house? A Yes sir, went to Eureka and got my wife.
Q You never saw your grandfather at all? A Sal Dawson, yes sir, I saw him.
Q You remember do you of being with him much of any at all? A I was in Texas in time of the war, with my uncle Riley Dawson, and he was there.
Q In '60 sometime? A '62, I reckon, or '63. Somewhere along there, it was in time of the war.
Q How old a man was he at that time? A Pretty old man.
Q You never saw your grandmother, she died before she came? A Yes sir, I never saw her at all.
Q Who first started the citizenship matter, your brother in Texas or you? A Why it was me, and my brother together.
Q I mean who first conceived the idea? A I first commenced talking about it.
Q And sent down for him? A I was in Texas with him and then in Arkansas; I went backwards and forwards a time or two after the war.
Q About that time nearly everybody in Arkansas were trying to get some claim of kinship to Cherokees? A No sir, not at that time.
Q They were getting pretty thick in there in 1900? A Well in 83 and '4 and '5 I think.
Q Been more excitement over there to get yourselves on the rolls? A Just got to be everybody; but it wasn't at the time we was admitted there was not much stir about the rights here.
Q Well the Watts had been admitted before that? A I suppose they had; there was not much excitement over the Watts claim at that time.

BY MR. HASTINGS:

Q You did locate and house with Sam Shables when you first came to Tahlequah in 1913? A I think I did.

Q Your brother Wat Dawson stayed there also? A Yes sir.

Q Sam Shables lived in the north end of town, big ferran? A Yes sir, old German lived in the lower part of town.

Q Did you ever hear the names of any other witnesses which you stated perhaps testified in your case? A I have heard them but I have forgot them.

Q You don't recollect any name now? A I dont remember them now sir.

Q In the Irene House case and Joann Barber case, in which you testified before the Commission, when you were making search for this testimony you couldn't find any other testimony from that of record except the Dr. Baker testimony, could you? A That's all we could find, no we didn't find the testimony, we got a copy.

Q Well it must have been a copy of the original, the certificate shows that? A I don't know; House got a copy of what claimed to be the affidavit of Baker and he told me to give it to him; that is all I know about it.

Q Well the certificate there does not bear my certificate does it? A I don't know about that, I am no scholar.

Q Well you didn't get the testimony of any other witness except that of Dr. Baker; you couldn't find any other over there of record? A I didn't hunt for any; House hunted for them.

Q None of you have ever been able to find any other? A No. Not even find our petition.

Q Samiel R. Dawson applied to what is known as the Adair Court, didn't he? A I don't remember now.

Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.

Q The father of these two parties who testified here this morning? A Well I don't know, they claimed to be, I never met them to know them.

Q He was rejected by the Adair Court, or Mayes Court? A I don't know whether he filed his petition.

Q Did you testify in his case? A I don't remember; I might have dont it.

Q Didn't you testify in the Andrew J. Dawson case before what is known as the Mayes Court? A I don't recollect, if I did I don't remember.

Q Did you testify in the Piley Dawson case? A No sir, not that I remember.

Q Didn't you know of his being rejected by that court? A I don't remember, sir.

Q You know that the Cherokee Council never authenticated the roll of 1896, don't you? A No sir, I don't know it; I didn't know this was done until I went to Tahlequah after some papers and could not and they told me about it.

Q You never found out that C. H. Taylor was a big rascal up until the present time have you? A (No response)

Q The records here show that he has been in the constant employment of your family from that date up to this time? A Why it shows here from the record; I could not be excused for any part of it.

Q You were the man that had the most to do with it? A I never employed him, I can say that.

Q You are the man that had most to do with the records? A In my case and in my father's case.

Q Didn't you testify for your uncle Jim Dawson? A Yes sir.

Q Wasn't he attorney for him? A Yes sir.

Q Wasn't he employed by Mr Dawson after you got your citizenship?
A Why not but the armed-children.
Q Did Mr son's petition was filed in Septe ber 1883, after yours?
A Yes sir.
Q C. H. Taylor, attorney of record, filed his petition? A He might have filed it for all I knew.
Q Well you hadn't at that time fallen out with C. H. Taylor had you? A Why no, we never did have any trouble, only over the money, he never would give it back to me or give it to Bryant.
Q You never discovered that he was such a bad man until after your judgment was rendered? A I knew he was not of good character.
Q Are you and Bright, this man who testified for the Cherokee Nation, on speaking terms? A Hardly speak.
Q Does he refuse to speak to you? A So plain he does.
Q Do you refuse to speak to him? A Yes sir.
Q Have you been speaking to him for the last two or three months? A I have not spoke to him until I met him here at the hotel the other day.
Q First time you spoke to him since he had the boy arrested? A Yes sir.
Q When did he have the boy arrested? A Along in Septe ber or October, septe ber I think.
Q Then did Dr. Baker die? A I don't re e ber.
Q You don't re e ber how much older your father was than you?
A No, I don't know.
Q What is your age? A I will be 60 in May.
Q Then you were born in '42? A Yes sir, '42 according to the record.
Q Was your father as much as 25 years old when you were born?
A I couldn't say.
Q What was your best judgment? A I suppose he was 20 or 35 years old. My understanding he married young.
Q Can't you give any better idea than 4 or 5 years of your father's age? A I say 25.
Q Your father was born say, 25 from 42 would have made him be born in 1817; now had your father any older brothers or sisters? A I think Jack Dawson was the oldest of the family, no, Betty, the girl, was the oldest and Jack next, and then my father as well as I re e ber about it.
Q There were two girls older? A No, one of the girls I never saw.
Q Then you think there are only 3 older than your father? A Yes, that's my understanding of the family.
Q Dr. Baker gives his age 75 in '82, which would make him be born in '89, now he states that when he was 15 or 16 years old, which added to 1809, will make 1824, that your grandmother Anna Priett, as a school girl: whereas from your testimony and that of the family history introduced here shows that your grandmother Anna Priett was the mother of seven children, the youngest being born in 1837, how do you reconcile that? A I don't re e ber about the statement of Dr. Baker; I don't know what he made such statement as that, I don't re e ber about it.
Q And if he did you don't know how to reconcile it ? A (No response.)

Q Did you talk to any of the e bers of the Court that admitted you? A No sir, I was not acquainted with them.
Q You know whether they were old or young men? A They were old men like; Steve Tehee, I got acquainted with him afterwards, and Tobe Thompson, at the Council you know I was there a good deal.

Q That was the ballot that was on the Senate? A Yes sir.
Q He was afterwards Assistant Chief of the Cherokee Nation?
A I think so.
Q Steven Tehee, that's the man you had reference to? A Yes sir, I think it was, I just know the name, I had no acquaintance with him at all.
Q D. W. C. Duncan swore that you were down there at the National Hotel? A I think he did, as well as I remember how when he were admitted.
Q Don't you know he did? A I think he did, as well as I remember.
Q Were not you over there to him from Fay think I was.
Q You remember when it was that you brought Dr. Baker down there to make a statement before the Court? A It was in January, Ter., was in January Term of 1882 I believe, it was, as well as I remember about it.
Q Well you didn't take any more testimony after Dr. Baker testified?
A No sir, I didn't.
Q Was your case then pending or passed upon for a hour?
A I think it was, yes sir, as well as I remember.
Q I would like to ask you when the Blannings family came to the Cherokee Nation? A Alex Bolding came with me when we moved here, and went back and got his family and moved that fall.
Q Did he move his family here that same fall? A Yes sir.
Q What years was that? A In the fall of '87 I believe it was, as well as I remember now.
Q When did the Sulenka family come? A I think the girl and the old lady came in the next spring.
Q How long did they remain that time? A The old lady stayed here, but this girl went back and in a short time her and her husband came back.
Q Did she come back until after her marriage? A No, she was married when she came first.
Q The last time? A She was married I think, she was married when she came out.
Q How long has August Sulenka been a permanent and continuous resident of the Cherokee Nation? A I think he came there in the fall of 1884 or 1885, I don't say which.
Q How long has Robert Pierce been a continuous resident of the Cherokee Nation? A Ever since he was admitted.
Q When was that? A '83.
Q How long has Martin L. Patterson? A Ever since he married his wife, and he was living here before he married his wife.
Q Who is Arizona Airey? A That is my daughter.
Q Did you bring her with you? A No not when I moved.
Q When did she come? A She came out in a year or two after I moved here.
Q Was she married when you moved here? A No sir, she was not married.
Q She was not married when you were admitted? A No sir, she was a child.
Q When did Jim Lowe come to this country? A With his grandfather, James Dawson.
Q What was his father's name? A Melvind Dawson.
Q You know Jim Lowe's age? A No sir.
Q Don't know how old he was in '83? A No sir.
Q Was he grown? A I think he was.
Q Married? A No no.
Q Married in this country? A Yes sir
Q Who is James H. Dawson? A Married one of the Jackson girls.

Q When did they come to this country? A Right away after they was admitted.
Q In what year? A I think the winter of '94, I think it was, spring or winter of '94.
Q You knew Gideon Graham? A Yes sir.
Q Who is his father? A Missouri Ann Graham, formerly Missouri Ann Dawson.
Q Did he come from Texas to Arkansas? A Came from Texas.
Q Did you know them in Texas? A I knew the girl.
Q You never knew them until they came to this country? A I never knew Sis.
Q When did you see him here? A I think they came here in the fall or winter of 1894 or '5.
Q He was married then? A I think so, yes.
Q Married his wife? A I think he was, I don't know.
Q Did he have any children when you first saw him? A He came to my house and I never saw his family for-I don't know, for several years.
Q You understood he had a family? A Yes sir.

BY MR. McKENNON:

Q Did you mean to say '84 or '94? A '84.
Q Did you see Gid Graham in '84? A '84, let me study, maybe '85.

BY MR. HASTINGS:

Q Did you see him in '85, are you positive on that proposition? A I think so.
Q Will you swear it? A No sir, I won't positive swear it, but I think it was, I remember now it was; I couldn't say positive.
Q All the people Mr. Duncan that have been admitted to citizenship by courts of competent jurisdiction unless they were de-citizenised by courts of acquired jurisdiction, enjoyed the same privileges that you have mentioned here about going to sch ol and being tried in the courts? A Yes sir.

Q All that sort of thing that you have been telling here in your direct examination? A Ask me the question again.
Q I say all people who were admitted here by courts of competent jurisdiction, until they were de-citizenised by courts of like jurisdiction, enjoyed the same privileges that you did? A So far as I knew they was.
Q They All drawed money and all tried in the courts as long as we had tribunal courts, were they not? A Yes sir, so far as I know.
Q That was no special privilege granted to you in preference to anybody else? A None but recognized citizens of the Cherokee Nation.
Q Well you had been recognized since you were admitted? A Yes sir, I enjoyed the same privileges of native born Cherokees.
Q Well I say there is nothing special about it? A No, I don't know or there is.
Q You got acquainted with Mr. Duncan while you were up there during the hearing? A Yes sir, I was acquainted with him, knew him, when I saw him.
Q Mr. Pitt Rose did the examination of Dr. Baker? A Yes sir.
Q Did you file any other paper before the Court other than your petition And then Dr. Baker's statement? A I never filed any petition there at all.
Q Read whatever? A I don't remember any.
Q Well you never had occasion to file any papers before Mr. Duncan? A I got him to do some writing for me.
Q What? A Letters to my brother in Texas.
Q Buck Duncan? A Yes sir, B. Duncan.

Q What? A Yes sir, Buck Dawson.
Q Well is that all he did for you? A I don't remember now about it.
Q Why didn't you get your attorney to do that letter writing? A There was not any there.
Q Taylor nor Benge was not there then? A No sir.
Q That is what you paid the 40 or 45 dollars for, was writing this letter back to your brother? A I paid it for that claim.
Q When did you pay that? A I think I paid it, I don't exactly when, Camp Taylor paid it a year or two after I moved out here and settled where I did, might have been 2 years. I don't remember.
Q Where was Dawson living then? A I couldn't say where.
Q Was he still clerk of this Court? A No sir, not when that money was paid, that is, when Camp Taylor said he paid it.
Q You did send Camp Taylor more money? A I sent some money to him for Joel Bryant.
Q You know Joel Bryant's ad rem didn't you? A No, I don't know that, I did. No I didn't send Camp Taylor any money, I gave it to him.
Q How much do you give him? A One hundred dollars.
Q What? A Right at that time; he asked it from me as soon as we got our papers, he came onto me and dunned me for Bryant.
Q You never sent him any then after that? A No sir.
Q Did you ever see Bryant after that? A Yes sir.
Q How long after that? A I don't know, a year or two afterward, a year I believe, my brother wrote, I wrote to my brother about paying Camp Taylor money and he went onto my brother about it and he never paid him until he moved out to this country.
Q After all that you got him to attorn to your uncle Jno Dawson's and the other relatives cases? A The other parties did.

BY MR. McKENNON:

Applicants object to all that part of the witness' evidence in response to interrogatories by representatives of the Cherokee Nation which relates to the character of the evidence upon which the judgments admitting members of the Jones and Robert Dawson families were admitted, and to the history of the members of the Dawson family, because the same is immaterial, incompetent and irrelevant.

BY MR. McKENNON:

Q One question I omitted to ask you Mr. Dawson, as to the Court at the time the judgment admitting Robert Dawson's family was rendered, who of the judges were present on that day? A They was all three of them, Wolfe, Tehee and Thompson.
Q Are you positive of that fact? A Yes sir.
Q You do not know this Andrew Dawson family who applied to the Dawes Commission for Cherokee citizenship, and who stated that they are cousins of some members of your family? A Andrew?
Q Andrew J. Dawson, who claim to be from Missouri? A How was the question?
Q You do not know them do you? A I don't know that they are any kin to us.
Q You don't know that they are related to you at all? A No sir.
Q This Mary Dawson case, do you know the members of that family? A No sir, I don't.
Q Don't know who they are? A No sir.
Q The Robbeen Dawson case? A I don't know her either.
Q You don't know whether they are related to you or not? A No sir.
Q If any of these persons are related to you or your family did you have any knowledge of it? A Not as I know of.

Q Joanna Barber, do you know anything about them? A They claim to be kin to me.
Q Where are they from? A They are from Texas.
Q Do you know they are related to you? A They claim to be kin.
BY MR. HASTINGS:
Q Tell you were for them before the Commission? A Yes, they claim to be relatives of mine.
BY MR. McKENNON:
Q Irene J. House, who is that? A That is a cousin of mine; claims to be.
BY MR. HASTINGS:
Q You testified for her didn't you before the Commission? A I think - I did as well as I remember.
BY MR. McKENNON:
Q Before the Court that admitted Jared Dawson and family, who were the witnesses there? A Oliver Miller, from Perryville, Arkansas.
Q Who were the witness? A Myself and J. Dawson and there was two other witnesses, I don't remember who they are.
Q Were they Cherokee citizens and residents of the Cherokee Nation? A Yes sir.
BY MR. HASTINGS:
Q You don't remember their names? A No sir.
Q Of these other people who claimed to be citizens of the Cherokee Nation and who were witnesses? A I said about me and J. Dawson was citizens of the Cherokee Nation.
Q You only proved that Jim Dawson was a brother of Robert Dawson before the Court? A Yes sir.
Q And then referred back to the decision in the Court before? A We proved that they were citizens, and he knew my folks before we ever came here.
Q Was he older than Dr. Baker? A About the same age.
Q Why didn't you get Oliver Miller's testimony in the House case?
Q He was dead.
Q You and no member of your family in the Irene House case or the Joanna Barber case or any of those cases that were tried before the Dawes Commission in your affidavits ever made reference to the fact that Oliver Miller testified in Jim Dawson's case in '84 did you? A I don't remember about that.
Q You did make reference to the fact that Dr. Baker testified there in '83, didn't you? A I don't remember about that now.
Q You never made reference to any other witness having testified other than Dr. Baker did you? A I don't remember about it now.
BY MR. McKENNON:
Now just one other question: All of these papers in the original application and everything, so far as you know, in the James Dawson case, were filed before the Commission which admitted the James Dawson family, are lost or mislaid are they not? A I suppose they are, I don't know, I never saw them.
Q Have you tried to get copies of them? A Yes sir, I tried to get the original papers.

BY COMMISSION: This case is continued until 8:30 a.m., tomorrow morning, March 20th, 1902, it now being the hour for adjournment.

MARCH 20, 1902,- 8:30 a. m.- W. T. DAWSON again on the stand, testifies as follows:
BY MR. McKENNON:
Where was your brother Jim Dawson raised? A In Arkansas.

Q What County? A Carroll.
Q Near what town? A Berryville.
Q Did Dr. Major live at Berryville? A Yes sir.
Q Was your brother intimately acquainted with him for many years? A Yes sir.
Q Did he know him sufficiently to be acquainted with his character and habits of life? A Yes, sir.
Q Do you know Josephine Pierce? A Yes sir.
Q Whose daughter was she? A Robert Dawson's.
Q Is she the same identical person who is called Josie Pierce, and Josie Dawson? A Yes sir.
Q Is there any other Josie Pierce or Josie Dawson or Josephine Pierce or Josephine Dawson? A I don't know but the one.
Q She was also called Josephine or Josie Kelly? A Yes, after she married her first husband was Pierce.
Q And her second husband A Was Kelly.
Q There was another Josephine Dawson wasn't there, Balaska's wife? A Why they called her Joe, I suppose that's her name, I could not be positive that was Rile Dawson's daughter, August Balaska's wife.
Q She is much younger than your sister, Josephine, above referred to? A Yes sir, oh yes.

BY MR. HUTCHINGS:

Q Where were you born, Mr. Dawson? A Carroll County, Arkansas.
Q You know how old you are? A 42.
Q 42? A I think so.
Q How many older children were there of your father and mother than yourself? A Three.
Q Which were they? A E. Dawson, Riley Dawson and Jasper Dawson.
Q You are the fourth child and the fourth boy? A Yes sir, fourth boy.
Q There were your father and mother married, do you know, from family history? A I think it was in Arkansas, I couldn't be positive, I think they was.
Q Do you know how long your grandfather lived in Arkansas? A No sir I don't.
Q Don't know what year he came to Arkansas? A Only from statement.
Q Well what did they say about it? A I think they came there some time in '30.
Q You know whether your father was born in Arkansas? No any of your grandfather's children were born there? A There was none of them born in Arkansas according to history and according to what he always told me, they were born in Tennessee.
Q He came there in '30, and all the other children were born on the Hiwassee River in Tennessee, before he ever came? A That is what I think, yes sir. Now I am not positive about that. They were from Tennessee, but either Dr. Major lived there or my folks came from there; I don't know as I remember that I ever heard my father any where he was born at.
Q In Tennessee somewhere; he said he was a good big boy when he came to Arkansas? A I don't know as I ever heard him say.
Q Do you know the difference in the ages of yourself and your three older brothers? A No I don't.
Q Don't know the time that comes in between you? A No I don't know that; I think it is about two years though.
Q That would make E. Dawson about eight years older than you, probably? A Yes sir.

BY MR. McKENNON:
Q Did Josephine Pierce have a daughter who married Mr. Bogle?
A Yes sir.
Q What was her name? A I always knowed her by Dode Pierce; I don't know whether that is her right name or not.
Q What is Bogle's name? A John Bogle.
Q She is the child of Josephine Pierce who married John Bogle?
A Yes sir.
BY MR. HASTINGS:
Q Where did she marry John Bogle? A Near Afton.
Q When? A I couldn't state.
Q About when? A You have got a copy of the marriage license.
Q When did Josephine Pierce come to the Cherokee Nation? A '83.
Q Has she lived here continuously since that time? A Up until her death; she is dead.
Q Any of her children come with her at that time? A Yes sir.
Q And have they lived here continuously since that time? A Yes sir, except Bill Pierce, he went to Colorado and died.

J. C. STARR, being first duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q Your name is J. C. Starr is it? A Yes sir.
Q Mr. Starr, was that instrument taken by you, or before you? (Showing witness document.)
A Yes sir.
Q Where? A At the residence of S. H. Benge: near Fort Gibson.
Q When? A On the 15th day of this month.
Q What day of the week was that? A On Saturday.
Q Is that the day it was taken? A Yes sir.
Q Did you go there on Saturday to take this? A Yes sir.
Q Then when Judge Benge stated on Tuesday that it was taken "yesterday" meaning Monday, the 17th, he was mistaken, was he?
A It was taken Saturday, the 15th.
Q Was he mistaken or not? A It was not taken then.
Q Then his statement made on Tuesday the 18th that it was taken on "yesterday", meaning Monday, the 17th, was not correct, was it?
A I think not, because I was there, and it was taken on the 15th.
Q And it was taken on the 15th, you are positive it was taken on the 15th? A Yes sir.

Q Then of course his statement could not be correct? A I guess not.
BY MR. HASTINGS:
Q He was just mistaken about the date, wasn't he? A Yes sir.
BY MR. McKENNON:
Q Did you tell Charles T. Moore who is now present, on last Tuesday that they sent you out there on Monday to take that? A No sir.
BY MR. HASTINGS:
Q I sent you there last Saturday? A Yes sir.
Q And you went there at my direction, didn't you? A Yes sir, and come back Saturday night.

ROBERT L. DAWSON, being first duly sworn, and being examined testified as follows:
BY MR. McKENNON:
Q What is your name? A My name is Robert L. Dawson.
Q What is your age? A My age is something close to 30 years old, I am 29 past.

Q Are you a son of E. Dawson, commonly known as Buck Dawson?
A Yes sir.
Q I will ask you if you will examine this letter sent with the enclosure and state whether or not you found that among the papers of your father after his death? A (Hands letter to witness who examines it) A Yes sir, I found this amongst the papers of my father. He always kept all his own papers, and on looking over them I saw this letter.
Q Has that been in your custody ever since you found it? A Yes sir, if that's the letter that was in the envelope.
Q Well that's what it is, you can tell whether it is or not. (Witness further examines letter) Q That purports to be a letter from Samuel H. Benge, does it not, to your father? A Yes sir. (Here Applicants' attorney hands letter and envelope referred to to attorneys for Cherokee Nation.)

BY MR. McKENNON: I want to offer this letter in evidence in this case: it is a letter signed by S. H. Benge, attorney at law, dated Fort Gibson, C. N., Jan. 13, 1883. Addressed to Mr. E. Dawson, Esq., together with the envelope, in which it was enclosed, with the card of S. H. Taylor upon it, attorney at law, Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T., January 13.

BY MR. HUTCHINGS: The Nation objects to the introduction of this letter for the reason that S. H. Benge is living and has testified in this case, and his handwriting should be either proven or denied by himself.

G. W. BENGE, being first duly sworn, and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A G. W. Benge.
Q Are you a son of Samuel H. Benge? A Yes sir.
Q Do youknow his handwriting? A I believe so.
Q Is that his handwriting? (Shows witness letter before referred to.) A Yes sir, it is either his or a resemblance of his.
Q To the best of your knowledge and belief is that his letter?
A Yes sir.

BY MR. McKENNON: Now we offer it in evidence.

BY COMMISSION: (Reading letter)

"Fort Gibson, C. N.,
Jan 13th, 1883.

Mr. E. Dawson, Esq.,

Dear Sir:- I write this note to inform you that your case came off before the Court on Citizenship on the 11th inst, and was decided in your favor. so you all are citizens of this Nation. E. M. Dawson was furnished with a copy of the decision at the court. He will write to you also. You will please send me fifty dollars as my fee in your case according to contract. Send it to Fort Gibson, Cherokee Nation.

Respectfully yours,
S. H. Benge,
Attorney at law."

Enclosed in envelope, as follows:
Card in upper corner, left hand:
"Return in ten days to S. H. Benge,
Attorney at Law,
Tahlequah, Ind. Ter."
Addressed: "Mr. E. Dawson"

Henryetta,
Clay Co., Texas."

Post-marked: " Tahlequah, Jan 17 Ind T."

ROBERT L. DAWSON, re-called and further examined, testified as follows:

BY MR. McKENNON:

Q Now examine that and see if that is also a paper which you found among your father's papers after his death? (Hands papers to witness) A That is the same letter that I found.

Q Among the ones that you found the Bange letter? A Yes sir.

BY MR. McKENNON: This is a letter purporting to have been written by J. M. Bryan, to R. Dawson, dated at Choutean Station, Cherokee Nation, and not dated, which we offer in evidence. (Applicants' attorney hands said paper to Nation's attorneys.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSION: (reads letter)

"Choutean Station, Cherokee Nation.
I. T., M. K. & T. R. R.

MR. Dawson:

Dear Sir:-

I am in receipt of your favor of the 30th inst in regard to our contract.

After I had got the claim so there would be little more to do I employed Campbell Taylor to answer for me when the case came up, for which I was to pay him $30 out of my fee.

This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, or that you was to pay him $100- and that you had offered him a check on some bank in Texas.

That $100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

And I am satisfied that you are apprised of the earnest work I done for you, Please write to me.

Very respectfully,
Very truly,
J. M. Bryan."

Q I will ask you if you know of your father having paid Bryan that money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A No, I don't know whether I know his age or not.

Q If you don't know you can't say? A I wouldn't have no reason to know his age; never asked his his age; of course I guess my mother known.

Q Never had occasion to talk about his age at all? A Oh I have heard him speaking of his age at different times, but then I never paid enough attention to it.

Gid Graham, being first duly sworn and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A Gid Graham.

Q How old are you? A Mr. Graham? A I am 35 years old.
Q How long have you been living in the Territory? A I came out here in 1887 or '88.
Q To the Cherokee Nation? A Yes sir.
Q How long have you been living in the Cherokee Nation, what year was that '87 or '8? A Yes sir.
Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.
Q How long did you live in the Cherokee Nation? A About 6 years.
Q Where did you go then? A Wagoner.
Q In the Creek Nation? A Yes sir.
Q And been residing there ever since? A Yes sir.
Q In business? A Yes sir.
Q Have you all the while been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q Mr. Graham, do you know Judge Samuel H. Benge? A Yes sir.
Q Did you have a conversation with him in Fort Gibson about September of 1900? A Well as to the exact time I couldn't say, it was sometime about the time that the Dawes Commission were at Sallisaw, or possibly a little later, somewhere about there.
Q Taking the census of the Cherokees? A Yes sir.
Q At that time had the question of the validity of the judgment of the Cherokee citizenship commission admitting Robert Dawson and family been called in question? A Yes sir.
Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.
Q What did he tell you about it; well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A He did.

BY MR. HUTCHINGS:

Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?
Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.
Q And he told you the judgment was all right? A Having known that Mr. Benge was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I might want his affidavit concerning the matter, and I also I think maybe wrote to him; possibly prior to that, I am not sure as to the writing, but I think possibly I did.
Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would use him in person; he assured me that everything was all right.
Q Your mother was Missouri Dawson was not she? A Yes sir.
Q Her name was Missouri Graham when she was re-admitted to citizenship? A Yes sir.
Q And was not Missouri Dawson as named in that judgment? A Yes sir.
Q Do you know whether the other children named in there had married and changed their names also at the time they were admitted? A There were not any of them married.
Q Ella Dawson was your aunt? A Yes sir.
Q Was she married at that time? In 1883? A Yes sir.
Q Melvina Dawson, was she married at that time? A Yes sir.
Q And the fourth one you have mentioned, Missouri Dawson, was your mother? A Yes sir.

Q Can you give us the exact date of your birth? A Yes sir.
Q Do so, please? A January 21, 1867.
Q And you came to the Territory when? A In 1887 or 1888.
Q You can't make that any more definite? A Well sir, it has been a good while ago, and I didn't have anything to cause me to.
Q Well I just want to know whether you did have or not? A No sir.
Q When were you married? A 1886.
Q You were married prior to coming here? A Yes sir.
Q Your first child born away from here? A Yes sir.
Q What is its name? A John W.
Q '86 you were married, and he was born about the spring of '87? A Somewhere in 1887, I don't remember.
Q Prior to your coming here? A Yes sir.
Q That is the only child you had that was born away from here? A No sir, Julius.
Q Julius was not born in the Territory? A No sir.
Q And prior to the time of your removing to the Territory? A Yes sir.
Q These are the only children born out? A Yes sir.

BY MR. McKENNON:

Q Do you know Campbell Taylor? A Yes sir.
Q I will ask you if about February 1901, he came to Wagoner, and sent his son to have you come to the hotel at night where he was, and if he then and there said to you "You people are on the doubtful list, and if you will give me five hundred dollars I will make it all right and see that you are enrolled, and if you don't I will see that you don't get on".? A Well now as to the first part of thatquestion, where you say he sent his son; that is an error; I don't know whether he came to my house or sent some one; when I returned home that evening my wife told me there was some one there to see me, and was at the city hotel at Wagoner, and said come down and see him; I went down there; I never had met Taylor; he introduced himself to me and stated what his business was; asked me if I was on the doubtful list, etc., to which I replied that we were; he asked me if I didn't want to employ him, stating that if we would give him, our family would give him five hundred dollars he would see that we were placed on the rolls all right, but if we refused to give him five hundred dollars that he would use his influence against us and see that we were rejected.
Q You never had met him before, or had any communication with him? A I never met him before; as to the communication, I may have written him something about his affidavit as to the validity of that judgment, I can't say as to that. He said in his testimony that I did; I don't know whether I did or not now.

BY MR. HUTCHINGS:

Q You knew he was the attorney in the case, originally? A After looking at the records I did.
Q I mean you knew it at the time you wrote to him about the affidavit; that was the reason why you thought he would know something? A Certainly.
Q He never told you he was going to swear against you or threatened to tell anything that was not true? A He just simply said unless we gave him that five hundred dollars he would see we were all put off the rolls.
Q Said he would use his influence against you, that is what he said? A Yes sir.

BY MR. HASTINGS:
Q You don't deny writing to him then for the affidavit? A I don't say I did or I did not; I neither affirm it or deny the question.
Q You went to Captain Ponge and also wrote him with reference to what he knew about the case? A I don't know whether I wrote him or not, I said I was under the impression I wrote his son.
Q You went to see Aaron Butler, who was interpreter before that court that admitted you? A Yes sir.
Q And you went with Aaron Butler to see Jim Smith, attorney before that court? A Yes sir.
Q And you either wrote or went to see everybody you knew of that was before that court then? A Yes sir.
Q That shows you used considerable activity? A Yes sir, I used such activity as was to my interest.
BY MR. McKENNON:
Q That was all after the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof each as had appeared before the objection had been placed upon a doubtful card? A Yes sir.
Q Then you began to look up the evidence and see what there was in it? A Yes sir.
Q As Mr. Hastings has stated? A That's right.
BY MR. McKENNON:
Q You are a grandson of James Dawson? A Yes sir.
Q The old gentleman? A Yes sir.
Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1834; wasn't it? A Yes sir, well I can't be exact as to that.
Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.
Q Well what other James Dawson did you know belonging to the families, either one of these families, Robert Dawson family or the James Dawson family? A I never knew of but two James Dawsons.
Q Who were the others? A Dr. James R. Dawson, who is present and standing right here; my grandfather, James Dawson.
Q Was there in '84 any James R. Dawson 35 or 40 or 45 years old, that you know of, belonging to either one of these families?
A No sir.
Q Do you know how old Dr. James R. Dawson was that that time?
A James Dawson? Q No I am speaking of Dr. James R. Dawson? A Oh, how old he was, no sir, I do not.
BY MR. HUTCHINGS:
Q Do you know who was here attending to your mother's citizenship case at that time, at the time they were admitted? A Yes sir, James Low and Bill Jackson, son of Ellen Jackson.
Q Who was W. A. Dawson? A That is Wilburn, my uncle.
Q Was he here? A I don't know sir.
Q You were not here any of the time? A No sir.
Q You knew your grandfather then, you had lived in the same neighborhood with him? A Yes sir, I knew him well.
Q He didn't die for a year or two after that did he? A After when, Mr. Hutchings?
Q After his admission to citizenship? A No sir, he didn't die I think until '91 or '90, several years after.
Q Very old man when he died? A Yes sir.
BY MR. McKENNON:
Q About what age? A He was approximately 80 years old.
BY MR. HUTCHINGS:
Q When he died? A Yes sir.

BY MR. HASTINGS:
Q That about 1881? A I think so, yes sir.
BY MR. McKENNON:
Applicants object to the testimony of the witness elicited by interrogatories of Counsel for the Cherokee Nation relating to his family, their history, etc, as being immaterial, irrelevant and incompetent.

James R. Dawson, being first duly sworn, and being examined, testified as follows:
BY MR. McKENNON:
Q Your name is James R. Dawson? A Yes sir.
Q Where do you live? A Afton, Indian Territory.
Q What is your age? A 45.
Q You are a physician are you not? A Yes sir.
Q Was James Dawson, whose family was admitted in 1884, an uncle of yours? A Yes sir.
Q Do you know what his age was at that time? A No sir, I do not, only approximately.
Q State as nearly as you can? A At the time of theadmission?
Q Yes sir? A About 70, I don't know exactly.
Q How old was he when he died? A I would suppose he was about 78.
Q What was your age in 1884? A I am 45.
Q What year were you born, Doctor? A I was born in '55.
Q That have been '84? A Yes sir, that's right.
Q What was your age then? A In '84?
Q Yes sir? A About 28.
Q Were you present at the time that James Dawson family was admitted, or at any time while their case was pending before the Cherokee citizenship commission? A Not while the James Dawson case was, no sir.
Q You were present during your father's cases? A I was there at the time.
Q When was that? A The dates I cannot remember when the case first come up, I cannot remember the exact date.
Q How long were you there? A I was there about a week.
Q Was that when it first came up you say? A Yes sir.
Q Nothing was done? A No sir.
BY MR. HUTCHINGS:
Q You never saw Dr. Baker? A Yes sir.
Q Did he and your uncle Jimmie use to talk about how they played together when they were boys? A My uncle Jim and Dr. Baker talk?
Q Yes? A I never saw them together.
Q They were about the same age? A Yes sir, I believe Dr. Baker was 15 years older probably.
Q Dr. Baker must have been mistaken about his own age? A Guessing, that's all I know about his age.
Q The Doctor had been paralyzed, rather a decrepit looking man at the time he was over here at this citizenship business? A No sir, not as I know anything about.
Q He was near about 70 then? A I couldn't tell you, he was an old looking man.
Q Your uncle Jimmie was about 70? A Yes sir.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

W. W. HASTINGS, being first duly sworn, and being examined testified as follows:
DIRECT EXAMINATION BY MR. HUTCHINGS:

Q State your name? A W. W. Hastings.
Q Residence? A Tahlequah, age 35.
Q You are attorney for the Cherokee Nation in the general preparation of these cases? A Yes sir.
Q Just state how it happened that you summoned Mr. Campbell Taylor, and what occurred between you with reference to his testimony?
A Well there had been some talk, as the testimony here indicates, that there was perhaps fraud in the admission of this family, and by agreement with counsel on the other side, and the Commission, this case was set for the 17th day of March, and some short time prior to that, as the attorney for the Nation I began to make some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote C. H. Taylor to come down here. I don't think in that letter that I told him what I wanted with him. I don't think I told him the case that I wanted him to testify in; that is my recollection now. Mr. Taylor prior to that time, neither directly nor indirectly, so far as I know, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I summoned him; perhaps the fact that I knew he had been connected with them in some way and that I perhaps also would get some information from him. Well he came in response to a letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe he could be compelled to testify, and that is he was put upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length; I asked him what he knew about it; of course he for a long time declined to tell me; and what information I did get from him was by piecemeal. He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him.
Well we talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he detailed to me the facts just as he told them on the stand; I don't believe there is the slightest variation, except that he perhaps was not so full at that time and it was told by piecemeal, but I got all those facts out of him, or very nearly all those facts out of him. He may have elaborated a little more here by examination; but he never voluntarily gave me any information at all, either directly or so far as I know indirectly. I don't think he sent any one to me. I got his name because I heard he was connected with the case, and perhaps knew something about it, like I did a great many other people, some of whom I didn't bring, because they didn't know what I supposed they did know about the case.

With reference to S. H. Benge, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. C. Starr over to S. H. Benge's place to take his affidavit on Saturday, March 15, in the W. H. and J. W. Shoemake case, and the descendants. I had heard that Mr. Benge knew some important facts in connection with the Shoemake case and I sent him over there then to take that affidavit; and when Mr. Starr came back he told me that he knew some facts also in connection with these other cases, and I was surprised to find he had instead of one affidavit, in the Shoemake case, that he also had another affidavit in the Dawson case. That is the first information I had that Mr. Benge knew anything whatever in connection with the Dawson case, and therefore he never voluntarily, either directly or indirectly gave any information prior to that time to me.

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not seeking anything else but the truth, and didn't want him to tell anything else but the truth.

I want to say again that after he was on the stand and left that evening, and after Captain McKennon, or counsel for the family, had indicated his willingness for Mr. Taylor to testify, that he went over all of these facts that he testified to on the stand subsequent to that time in the presence of J. C. Starr in my office. I simply wanted to go on the stand for the purpose of showing that Mr. Taylor hadn't voluntarily given me any information, and I make this statement for that purpose.

BY MR. McKENNON:

Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the persuation that I brought to use.
Q He therefore did it simply upon your persuation? A Yes sir.
Q You knew he had been acting as attorney for these parties?
A Yes sir, I had seen from the record that he did too.
Q And he told you so? A Yes sir.

BY COMMISSION: The attorneys for the applicant and the representatives of the Cherokee Nation will be granted thirty days from the receipt of the transcript in this case in which to file a brief in this case with the Commission.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. Green.

I, Arthur C. Evans, being duly sworn, state that as stenographer to the commission to the Five Civilized Tribes I copied the foregoing, and that the same is a true and complete copy of the original.

Arthur C. Evans

Subscribed and sworn to before me this 18th day of December, 1902.

B. O. Jones
Notary Public.

File with Cherokee D-679, George A. Embry, et al.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the Matter of the application of Francis M. Dawson, et al for enrollment as Cherokee citizens, commutating the allotments of

[illegible] Dawson et al	[illegible]	D.	324
[illegible]	"	D	580
[illegible]	"	D	581
[illegible] et al	"	D	584
[illegible] Jr.	"	D	588
[illegible] et al	"	D	635
[illegible] et al	"	D	680
[illegible]	"	D	352
[illegible] et al	"	D	359
[illegible] et al	"	D	[illegible]
John W. Dawson, et al	"	D	[illegible]
[illegible]	"	D	[illegible]
John Dawson, et al	"	D	370
Thomas F. Dawson, et al	"	D	380
Orie M. Dawson, et al	"	D	650
Robert Pierce, et al	"	D	408
William Pierce,	"	D	409
Charles E. Pierce,	"	D	451
[illegible] et al	"	D	471
[illegible]	"	D	472
[illegible] et al	"	D	476
[illegible] Dawson, et al	"	D	384
[illegible] Dawson,	"	D	475
[illegible] Moore, et al	"	D	518
James R. Dawson, et al	"	D	526
Henry A. Blasingame, et al	"	D	832
Albert L. Blasingame, et al	"	D	833
Sarah E. Blasingame, et al	"	D	834
[illegible] L. Patterson, et al	"	D	435
William C. Dawson, et al	"	D	604
Robert L. Dawson,	"	D	605
Gilbert S. Dawson, et al	"	D	608
Richard W. Dawson, et al	"	D	617
Ella [illegible] Spiderman, et al	"	D	626
Francis M. Dawson,	"	D	627
Sarah J. Dawson,	"	D	609
John W. [illegible] et al	"	D	33
Gideon Dawson, et [illegible]	"	D	35
Mabbey A. [illegible] et al	"	D	838
[illegible] et al	"	D	1134
Rob L. [illegible] et al	"	D	1135
John W. [illegible] et al	"	D	1136
Joe Willis Neal	"	D	1137
[illegible] et al	"	D	1138
[illegible] et al	"	W	788
[illegible] et al	"	D	836
[illegible]	"	D	508
[illegible] et al	"	D	850
[illegible] et al	"	D	847
[illegible] et al	"	D	824
William M. Dawson,	"	D	408

Texanna Woolley, et al.,	Cherokee	D	306
Henry T. Richardson, et al.,	"	D	715
Rita Bruner,	"	R	12
Melissa A. Dawson,	"	R	13
Alonzo M. Pinkback, et al.,	"	D	343
Hiram P. Vestal, et al.,	"	D	521
William R. Dorchirt,	"	D	522
Florence Morgan, et al.,	"	D	737
John E. Pinkback,	"	D	845
George A. Mabry, et al.,	"	D	979

R E C I T A L S.

It appears from the record herein that applications were made to this Commission at the times and places hereinafter mentioned for the enrollment of the following named persons as citizens of the Cherokee Nation;

D 324 By Francis M. Dawson, son of Robert Dawson, at Vinita, Indian Territory, on September 17, 1900, for the enrollment of himself and his minor children, Lula, Ray, Jessie J., Jacob L., Hugh A. and Laura A. Dawson as citizens by blood, and for the enrollment of his wife Katie Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 20, 1902.

D 580 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 1, 1902.

D 581 By William R. Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his wife, Fannie Dawson as citizens by blood. Fannie Dawson has been differently classified and is not embraced in this decision.

D 584 By Andrew G. Atkins, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Lizzie Atkins and his minor children, Homer, Nina E., Edward C. and George J. F. Atkins as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 15, 1902.

D 588 By Francis M. Dawson, Jr., son of Francis M. Dawson and grandson of Robert Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood.

D 555 By Francis M. Dawson, Sr., at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of his daughter Arizona Allred and his grand-son William C. Allred as citizens by blood.

D 550 By Samuel R. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his two minor children August and Mate Dawson, as citizens by blood, and for the enrollment of his wife Catherine Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 3, 1902.

D 352 By Robert Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by blood.

D 358 By Albert H. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his minor children Ralph H., Alford and Cecil Dawson as citizens by blood, and for the enrollment of his wife Sarah F. Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 31, and October 3, 1902.

D 365 By August Bulawsky, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for his wife Josephine, and his minor children Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.

D 482 By John W. Dawson, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Nannie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 402 By Charles J. Newman, for the enrollment of his wife Katie Newman as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, 1902.

D 578 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his minor children Robert B., Iola M., Lemuel H., Rosa B., Charles B., Hattie J., Jennings B. and James U. Dawson as citizens by blood, and for his wife Sarah J. Dawson as a citizen by intermarriage. On November 20, 1901, an affidavit was filed for Vergal C. Dawson, a ninth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 20, 1902.

D 360 By Thomas P. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his minor child Marion J. Dawson as citizens by blood.

D 530 By Orle H. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his minor child, Burr H. Dawson as citizens by blood. On October 31, 1902, a birth affidavit was filed for James W. Dawson, a second child of the applicant.

D 408 By Robert Pierce, at Vinita, Indian Territory, on September

24, 1900, for the enrollment of himself and his minor child Myrtle as citizens by blood, and for the enrollment of his wife Nellie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 8, 1902. On January 9, 1902, an affidavit was filed showing the birth of Arthur Pierce, a second child of the applicant.

D 409 . By William Pierce, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D 431 . By Charles E. Pierce, at Vinita, Indian Territory, on September 25, 1900, for the enrollment of himself as a citizen by blood.

D 471
D 472 By John B. Gray, at Vinita, Indian Territory, on Septe: ber 29, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Oma Gray, his minor child, Cecil Gray, and his sister-in-law, Effie Pierce (now Effie Akin), as citizens by blood. John B. Gray is differently classified and is not embraced in this decision. Further proceedings were had in the matter of this application at Vinita, Indian Territory, on October 4, 1900, and at Muskogee, Indian Territory, on July 21, 1902. On February 18, 1903, an affidavit was filed showing the birth of Velton Gray, a second child of the applicant.

D 479 By John S. Bogle, at Vinita, Indian Territory, on October 3, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nancy J., and his minor children, James E., Edna N., John H., Marvin R. and Claud Bogle as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902. On October 31, 1902, a birth affidavit was filed for Nancy Edith Bogle, born since the date of this application.

D 364 By Joseph R. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his five minor children, Clarence E., Council J., Elmer A., Cleo, and Rufus T. Dawson, as citizens by blood, and for the enrollment of his wife, Florence Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 19, 1901, and at Muskogee, Indian Territory, on October 3, 1902. On October 19, 1901 an affidavit was filed showing the birth of Edgar Dawson, a sixth child of the applicant.

D 475 By Wilborn Dawson, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by blood.

D 518 By Charles T. Moore, at Vinita, Indian Territory, on October 4, 1900, for his enrollment as a citizen by intermarriage, and for the enrollment of his wife, Mollie, and his five minor children, Nora, Walter, Clara, Ora and James T. Moore as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 10, 1902, and on March 17, 1902, an affidavit was filed showing the birth of Edna E. a sixth child of the applicant.

D 828 By James R. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his three minor children, Vinnie D., Erskine C. and Edwin C. Dawson as citizens by blood, and for the enrollment of his wife, Martha A. Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 8, 1900, and at Muskogee, Indian Territory, on October 8, 1902, and on September 13, 1901, an affidavit was filed showing the birth of Knoll P. Dawson, a fourth child of the applicant.

D 832 By Henry A. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his minor child, Vinnie C. as citizens by blood, and for the enrollment of his wife, Birdie J. as a citizen by intermarriage. Birdie J. Blasingame is differently classified and is not embraced in this decision.

D 833 By Elbert L. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his three minor children Ellis W., Earl D. and Alexander Blasingame, Jr., as citizens by blood, and for the enrollment of his wife Ida, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 8, 1902. On October 31, 1902, a birth affidavit was filed for Elmer H., born since the date of this application.

D 834 By James R. Blasingame, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his two minor children, William A. and George L. Blasingame as citizens by blood, and for the enrollment of his wife, Mary A. Blasingame as a citizen by intermarriage. On February 28, 1901, an affidavit was filed showing the birth of Grace D. Blasingame, a third child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.

D 435 By Martin L. Patterson, at Vinita, Indian Territory, on September 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Zona, and his five minor children, Sarah A., Martha A., Claud A., Elger D. and Thomas M. Patterson, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 4, 1902, and on October 23, 1901, an affidavit was filed showing the birth of Virgil V., sixth child of the applicant.

D 604 By William C. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Alice as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 10, 1902.

D 605 By Robert L. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood.

D 606 By Elbert B. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood. On July 8, 1901, an affidavit was filed showing the birth of Ralph E. Dawson, a child of the applicant.

D 609 By Sarah J. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 15, 1902.

D 617 By Richard W. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself and his minor child Ina E. as citizens by blood, and for the enrollment of his wife, Luella as a citizen by intermarriage. Luella Dawson is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, 1902.

D 626 By Ella L. Spickerman, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of herself and her minor child, Helen J. Spickerman, as citizens by blood, and for the enrollment of her husband, John J. Spickerman as a citizen by intermarriage. John J. Spickerman is differently classified and is not embraced in this decision. On March 8, 1902, an affidavit was filed for William Glenn Spickerman, a second child of the applicant.

D 627 By Francis M. Dawson, son of Elbert Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself as a citizen by blood.

D 23 By John W. Graham, at Fairland, Indian Territory, on July 12, 1901, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Missouri and his minor children Tempa V. and Robert S. Graham, as citizens by blood. Furtherproceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2, 1902.

D 35 By Gideon Graham, at Westville, Indian Territory, on July 16, 1900, for the enrollment of himself and his minor children, John W., Julius E., Francis W., Mary E., Jesse E., Gracie L. and Florence M. Graham as citizens by blood, and for the enrollment of his wife Elizabeth Graham, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902.

D 836 By Mathew A. Painter, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverna A. and his five minor children Ada R., Eva P., John W., Ray D., and Roberta A. Painter, as citizens by blood. On December 7, 1900, an affidavit was filed for Roy V. Painter, a sixth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2 and 3, 1902.

D1124 By Charles T. Bradshaw, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself as a citizen by intermarriage, and for his wife Florence P. and his minor children, Myrtle and Claude Bradshaw as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 20, 1902.

D1125 By Joe E. Graham, at Muskogee, Indian Territory, on Febru-

ary 23, 1901, for the enrollment of himself and his minor child William S. as citizens by blood.

D1126 By John F. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor child Edna M. as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902. On October 31, 1902, a birth affidavit was filed for Robert Lee Graham, a second child of the applicant.

D1127 By James Neal, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of his wife, Joe Willie Neal, as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D1128 By James M. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor children, Muriel, Maggie, Luther, Liddie and Margaret Graham as citizens by blood, and for the enrollment of his wife Bessie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902. On October 27, 1902, a birth affidavit was filed for Floyd Graham, born since the date of this application.

D 395 By Green W. Jackson, at Vinita, Indian Territory, on September 22, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Ella Jackson as a citizen by blood.

D 476 By James H. Harmon, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Flora and his minor children, Lillie R., Claud, Dwight, and William D. Harmon, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902.

D 508 By Tommie A. Jackson, at Vinita, Indian Territory, on October 3, 1900, for his enrollment, among others, as a citizen by blood. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 7, 1900.

D 830 By Lizzie Jackson, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children Osie, Lizzie, Jessie, Ray and Clyde Jackson as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 847 By William C. Lenox, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Fannie and his minor children Birtie E. and Myrtle Lenox as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 859 By James Lowe, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his minor children, May, Zelma, Roberta and Rosa Lowe as citizens by blood.

D 405 By Millie T. Dawson, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 13, 1902.

D 406 By Texanna Woolley, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself and her minor child Irene W. Woolley as citizens by blood. On March 27, 1902, an affidavit was filed showing the birth of Wilburn E. Woolley, a second child of the applicant.

D 715 By Henry T. Richardson, at Claremore, Indian Territory, on October 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Kitty, his minor children Delia F. and Finis T. Richardson and his step-children, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flournoy as citizens by blood. Florence Flournoy is embraced in another application herein as Florence Morgan (D - 737). Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 8, 1902, and on August 20, 1902, a birth affidavit was filed for Jasper C. Richardson, born to Henry T. Richardson and his wife, Kittie, since the date of this application.

R 12 By Etta Brauer, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by blood.

R 13 By Melissa A. Dawson, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by intermarriage.
Further proceedings in the matter of said application were had at Vinita, Indian Territory on October 4, 1900, and at Muskogee, Indian Territory, on October 14, 1902.

D 521 By Lula Pearl Weddle, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of herself and her minor children Curtis and Morris O. Weddle as citizens by blood, and for the enrollment of her husband, Hiram F. Weddle as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 14, 1902. October 31, 1902, a birth affidavit was filed showing the birth of Roy Weddle, a third child of the applicant.

D 522 By William D. Douthitt, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself as a citizen by blood.

D 343 By Alonzo M. Fishback, at Vinita, Indian Territory, on September 18, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Laverna A. Fishback and his minor children William A. and Annie B. Fishback as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 3, 1902.

D 737 By Elbert L. Morgan, at Claremore, Indian Territory, on October 29, 1901, for the enrollment of his wife Florence and his minor child Clide as citizens by blood. On April 30, 1902, an affidavit was filed showing the birth of Alice A. Morgan, a second child of the applicant.

2,846 By John R. Pickbeck, at Chelsea, Indian Territory, on November 20, 1902, for the enrollment of himself as a citizen by blood.

2,878 By George A. Mabry, at Tahlequah, Indian Territory, on November 28, 1902, for the enrollment of himself as a citizen by [illegible], and for the enrollment of his wife, Edna, and his [illegible] Mary and Charley Mabry as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, January 15, 1901, and March 17, and October 25, 1902.

Proceedings were had in the matter of F. M. Dawson, et al., before Lewis E. Martin, a Notary Public on October 4, 1900, and further proceedings were had therein before the Commission at Muskogee, Indian Territory on March 17, 1902. All of these proceedings have been made a part of the record herein.

The evidence, and an examination of the records of the Cherokee Nation, in the possession of this Commission show that on January 11, 1883, one Robert Dawson and his adult children, F. M. Dawson, Elbert Dawson, Jasper Dawson, Mollie Dawson, Wilborn Dawson, James Dawson, Rial Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson and John Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship, commonly known as the "Teehee Court", and that on September 9, 1884, one James Dawson, a brother of the Robert Dawson aforesaid, together with his adult children, Ella Dawson, W. A. Dawson, Malvina Dawson and Missouri Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship commonly known as the "Spears Court." In addition to their tribal enrollment as shown by the evidence herein, it also appears from an examination of the Cherokee tribal rolls, in the possession of this Commission, that F. M. Dawson is identified on the Cherokee pay rolls of 1883 and 1894, Elbert Dawson on the Cherokee pay roll of 1886, Mollie Dawson on the pay roll of 1883, Wilborn Dawson on the pay rolls of 1886 and 1894, James Dawson on the pay rolls of 1883 and 1894, Rial Dawson on the pay rolls of 1886 and 1894, Josephine Dawson on the pay roll of 1894, Jane Dawson on the pay roll of 1883, Joseph Dawson and John Dawson on the pay rolls of 1883, 1886 and 1894, Ella Dawson and W.A.

Dawson on the pay roll of 1880, and Missouri Dawson on the pay roll of 1884.

A majority of the above named persons, together with the descendants of the persons admitted as aforesaid and such white persons as may have intermarried with the said Dawsons or their descendants are the applicants herein.

For convenience, the applications are divided into groups:

Group 1, includes the applications of Francis M. Dawson and those claiming through him and embraces cases numbered D 324, D 500, D 531, D 584, D 588 and D 835.

The evidence shows that Francis M. Dawson is the same person admitted to citizenship as hereinbefore stated under the name of F.M. Dawson. Katie Dawson, his wife, was married to him on November 21, 1880. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married, and the six children included in the application of said Francis M. Dawson, and hereinbefore named are the issue of the marriage aforesaid. All the applicants herein are identified on the Cherokee Census roll of 1896.

John Dawson, William R. Dawson, Lizzie Atkins, formerly Dawson, Francis M. Dawson, Jr., and Arizona Allred are the children of said Francis M. Dawson by a former wife, Julia Ann. They were minors at the date of their father's admission to citizenship. John Dawson, Lizzie Atkins and Francis M. Dawson, Jr., are identified on the Strip Payment roll of 1894, and William R. Dawson and Arizona Allred are identified on the Cherokee Census roll of 1896.

Andrew C. Atkins was married under a Cherokee marriage license

and in accordance with the laws of the Cherokee Nation on March 29, 1893, to the above named Lizzie Dawson. He has resided in the Cherokee Nation with his said wife since they were married, and the four children included in his application, and hereinbefore named are the issue of that marriage. The oldest child, Arthur, is identified on the Cherokee pay roll of 1894, and the three younger children are identified by birth affidavits on file with this Commission.

Arizona Allred, nee Dawson, came from Arkansas to the Cherokee Nation for the first time in 1894, remained there about two years and then returned to Arkansas, where she was married to Lee Allred. Such marriage was not in accordance with the laws of the Cherokee Nation. Arizona Allred and her husband came to the Cherokee Nation in 1896, stayed there a month and returned to Arkansas where they remained until September, 1898, at which time they came to the Cherokee Nation, remained there about a year and returned to Arkansas in 1899, where they were living at the date of this application. William C. Allred is the child of said Arizona Allred and possesses no rights not acquired by his mother. He is identified on the Cherokee Census roll of 1896.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides:

> "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The evidence further shows that Francis M. Dawson, his wife, Katie and William R. Dawson, Francis M. Dawson, Jr., and Lizzie Atkins have resided in the Cherokee Nation since 1883, and Andrew C. Atkins, the husband of said Lizzie Atkins, since 1891, and that John Dawson has resided in the Cherokee Nation for at least fourteen years prior to the date of his application. The residence of the minor children of the above named persons is considered to be that of their parents, with whom they are living.

Group II, includes the applications of Samuel R. Dawson, together with those claiming through him and embraces cases numbered D 350, D 358, D 359, D 366, D 402 and D 403.

The evidence shows that Samuel R. Dawson is identified as the Rial Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. His wife, Catherine, a white woman, was married to him on July 11, 1866. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since their marriage, and August and Mate Dawson are the issue of the aforesaid marriage. Samuel R. Dawson, his wife and children are identified on the Cherokee Census roll of 1896.

Robert Dawson, Albert H. Dawson, Josephine Bulawsky, formerly Josephine Dawson, John W. Dawson, and Katie Newman, formerly Katie Dawson are the children of said Samuel R. Dawson. They were minors at the date of their father's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Sarah F. Dawson, nee Abbott, was married to the said Albert H. Dawson in October, 1894. She has lived with her said husband, since they were married. Ralph H., Alford and Cecil Dawson are the issue of that marriage. Sarah F. Dawson and her child Ralph H. are identified on the Cherokee Census roll of 1896. Alford is identified by a birth affidavit on file with this Commission. The evidence further shows that the youngest child, Cecil Dawson, is dead.

August Bulawsky, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 25, 1893, to the said Josephine Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. The

four older children are identified on the Cherokee Census roll of 1896, and the Starr Payment roll of 1894. May Bulawsky is identified on the Cherokee Census roll of 1896, and Oscar Bulawsky is identified by a birth affidavit on file with this Commission.

Mamie Dawson, nee Baugher, was married to the said John W. Dawson on September 8, 1894, and she has lived with her said husband since they were married.

The evidence further shows that Samuel R. Dawson, his wife, Catherine, and Robert Dawson, Albert H. Dawson, John W. Dawson, and Katie Newman have resided in the Cherokee Nation since 1886, August Bulawsky and his wife Josephine, since 1892, and Sarah F. and Mamie Dawson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group III, includes the application of John Dawson, and those claiming through him and embraces cases numbered D 578, D 360 and D 530. The evidence shows that John Dawson is the same person admitted to citizenship in the Cherokee Nation as hereinbefore stated. Sarah J. Dawson, nee Wood, his wife, a white woman, was married to him on October 4, 1871. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married and the nine children included in the application of said John Dawson, and hereinbefore named, are the issue of said marriage. John Dawson, his wife, and his seven older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Thomas P. Dawson and Orle H. Dawson are the children of said John Dawson. They were minors at the date of their father's admission to citizenship, and they are both identified on the Cherokee

Census roll of 1896.

Thomas P. Dawson was married on April 24, 1888, to Allen A. Allison, and Marion J. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Orlo M. Dawson was married on December 28, 1899, to Mattie York, and Burr M. and James W. Dawson are the issue of that marriage. The said children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John Dawson and his wife, Sarah J., have resided together in the Cherokee Nation since 1883; that said Orlo M. Dawson has resided in the Cherokee Nation since 1885, and that Thomas P. Dawson has resided in the Cherokee Nation since 1888. The residence of the minor children herein is considered to be that of their parents, with whom they are living.

Group IV, includes the applications of those claiming through the said Josephine Dawson, now deceased. At the time of her admission she was the wife of one Thomas Pierce, but was admitted to citizenship under maiden name of Dawson. The group embraces cases numbered D 408, D 409, D 431, D 471, D 472 and D 479.

The evidence shows that Robert Pierce, William Pierce, Charles E. Pierce, Oma Gray, formerly Oma Pierce, Effie Pierce (now Effie Akin) and Nancy J. Bogle, formerly Nancy J. Pierce are the children of said Josephine Dawson. They were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Nellie Pierce, a white woman, was married to said Robert Pierce on July 16, 1894. She has lived with her said husband since they were married, and Myrtle and Arthur Pierce are the issue of that marriage. Nellie Pierce is identified on the Cherokee Census roll of 1896, and her two children are identified by birth affidavits on file with this Commission.

Ora Gray was married to John B. Gray on April 7, 1898, and Cecil and Dalton Gray are the issue of that marriage. Ora Gray is identified on the strip payment roll of 1894 and her children are identified by birth affidavits on file with this Commission.

John S. Bogle was married under a Cherokee Marriage license, and in accordance with the laws of the Cherokee Nation on April 5, 1894, to the above named Nancy J. Pierce. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. John S. Bogle and his two older children are identified on the Cherokee Census roll of 1896, and his four younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said William Pierce died in January, 1902.

It further appears that Robert Pierce, Charles E. Pierce, Nancy J. Bogle and Ora Gray have resided in the Cherokee Nation since 1884; that John S. Bogle, husband of Nancy J. Bogle, and Nellie Pierce, wife of Robert Pierce, have resided in said Nation ever since they were married, and the residence of the minor children herein is considered to be that of their parents with whom they are living. It appears that Effie Akin was seventeen years old at the date of the application for her enrollment, and it further appears that she resided in the Cherokee Nation from about 1886 up to December, 1900, when she went to Colorado, was married there to Will Akin, and is now living in that state with her said husband.

Group V, includes the application of the said Joseph Dawson, Wilborn Dawson and James Dawson, and embraces cases numbered D 364, D 475 and D 526.

Joseph R. Dawson is identified as the Joseph Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. He was married to Florence Jackson on May 16, 1886, and they have lived to-

gether since the date of their marriage. The said Florence Jackson is the daughter of Rila Dawson, but she was of age at the date of her mother's admission to citizenship. The six children included in the application of said Joseph R. Dawson, and hereinbefore named, are the issue of the marriage between the said Joseph R. Dawson and Florence Jackson. The applicant, his said wife and his four elder children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Wilborn Dawson is identified as the person of that name admitted to citizenship in the Cherokee Nation as hereinbefore stated. He is identified on the Cherokee Census roll of 1896.

James R. Dawson is identified as the James Dawson admitted to citizenship in the Cherokee Nation as heretofore stated. His wife, Martha A. Dawson was married to him on February 20, 1890. She has lived with her said husband since the date of their marriage, and the four children included in the application of said James R. Dawson, and hereinbefore named, are the issue of said marriage. The applicant, his said wife and his three elder children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

The evidence further shows that Joseph R. Dawson has resided in the Cherokee Nation since 1883; that Florence Dawson and Wilborn Dawson have resided in said Nation since 1886, and that James R. Dawson has resided in said Nation since 1883, excepting a temporary absence from 1889 to 1891. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VI, includes the application of Mollie Dawson and those claiming through her and embraces case numbered D 518.

The evidence shows that Mollie Moore, formerly Dawson, is identified as the Mollie Dawson admitted to citizenship in the Cherokee

Nation as hereinbefore stated. Her husband, Charles T. Moore, was married to her under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on January 27, 1897. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of said marriage. Charles T. Moore, his wife Mollie, and his four older children are identified on the Cherokee Census roll of 1896; the two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that said Charles T. Moore, his wife Mollie and his oldest child have resided in the Cherokee Nation since 1893; the younger children have resided in said nation all their lives.

Group VII, includes the applications of those claiming through the above named Jane Dawson, who, at the time of her admission to citizenship in the Cherokee Nation, as hereinbefore stated, was the wife of one Alexander Blasingame, but she was admitted under her maiden name of Dawson. Jane Dawson is a resident of Arkansas, and is not an applicant for enrollment. This group embraces cases numbered D 832, D 833 and D 834.

The evidence shows that Henry A. Blasingame, Elbert L. Blasingame, and James R. Blasingame are the children of said Jane Dawson. They were minors at the time of their mother's admission to citizenship and they are all identified on the Cherokee Census roll of 1896.

Henry A. Blasingame was married to his wife Birdie J., on December 6, 1896, and Vinnie C. Blasingame is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Ida Blasingame, a white woman, was married to the said Elbert L. Blasingame on September 5, 1894. She has lived with her said husband ever since they were married and the four minor children included in the application of said Elbert L. Blasingame are the

issue of that marriage. The said Ida Blasingame and her two older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Mary A. Blasingame was married to the said James R. Blasingame on August 11, 1895. She has lived with her said husband since they were married and the three minor children included in the application of said James R. Blasingame, and hereinbefore named, are the issue of that marriage. Mary A. Blasingame and her oldest child are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said Henry A. Blasingame, Elbert L. Blasingame and James R. Blasingame removed to the Cherokee Nation in 1897 and have resided therein with their said wives ever since. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VIII, includes the applications of those claiming through the said Elbert Dawson, and embraces cases numbered D 435, D 604, D 608, D 605, D 606, D 617, D 626 and D 627.

The evidence shows that Zona Patterson, formerly Dawson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Richard W. Dawson, Ella L. Spickerman, formerly Dawson, and Francis M. Dawson are the children of the said Elbert Dawson. All of them, excepting the said Francis M. Dawson, were minors at the time of their father's admission to citizenship. Zona Patterson is identified on the Cherokee Census roll of 1896, and William C. Dawson, Robert L. Dawson, Elbert B. Dawson and Richard W. Dawson are identified on the Strip payment roll of 1894. An examination of the Cherokee tribal rolls, in the possession of this Commission, shows that the said Ella L. Spickerman is also identified on the Strip Payment roll of 1894.

Martin L. Patterson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 13, 1896, to the said Rena Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. Martin L. Patterson and his three older children are identified on the Cherokee Census roll of 1896, and his three younger children are identified by birth affidavits on file with this Commission.

Alice Dawson, nee Alexander, was married to the said William C. Dawson on November 18, 1886. She has lived with her said husband ever since they were married.

Elbert B. Dawson was married on February 16, 1898, to Cora Bright, a non-citizen, and his child Ralph E. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Sarah J. Dawson, nee Jones, was married to the above named Elbert Dawson about 1854, and lived with him as his wife until his death in February, 1899, and has not re-married since his death. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

Richard W. Dawson was married to Luella Mason, a white woman, on January 24, 1898. His child Ina E. Dawson is the issue of that marriage, and she is identified by a birth affidavit on file with this Commission.

Ella L. Spickerman was married to John J. Spickerman, a white man on September 7, 1897. Her children Nellen J. and William Glenn are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

It further appears from the evidence that Francis M. Dawson, son of Elbert Dawson, at the time of his father's admission to citizen-

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321), Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of,

> "all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1883; Alice Dawson since 1836, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson, This group embraces cases numbered D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1888, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1868, and has lived with her since that time. Tempa V. and Robert S. Graham are the issue of the aforesaid marriage. John W. Graham, his wife and two children are identified on the Cherokee Census roll of 1896.

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sons who have been enrolled by the tribal authorities
heretofore made permanent settlement in the Cherokee
ose parents, by reason of their Cherokee blood have
fully admitted to citizenship by the tribal authorities,
ere minors when their parents were so admitted."
idence further shows that Zona Patterson, William C.
hard W. Dawson have resided in the Cherokee Nation
bert L. Dawson, Elbert E. Dawson, Sarah J. Dawson,
ickerman since 1883; Alice Dawson since 1886, and
rson since 1894. The residence of the minor children
is group is considered to be that of their parents,
re living.

K, includes the applications of the said Missouri
se claiming through her. The said Missouri Dawson at
admission to citizenship as the wife of one John W.
was admitted under her maiden name of Dawson. This
enses numbered, D 23, D 35, D 836, D 1124, D 1125,
and D 1128.

ence shows that John W. Graham was married under a
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on February 12, 1888, to the said Missouri Dawson.
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ith her since that time. Tompa V. and Robert S. Gra-
s of the aforesaid marriage. John W. Graham, his
ildren are identified on the Cherokee Census roll of

Joe E. Graham was married to Mary Bradshaw, a non-citizen on January 6, 1898. William C. Graham is the issue of that marriage, and he is identified by a birth affidavit on file with this Commission.

John F. Graham was married on February 11, 1900, to Mattie Lawson, a non-citizen, and Edna M. and Robert Lee are the issue of that marriage. Said children are identified by birth affidavits on file with this Commission.

Bessie Graham was married on November 2, 1892. to the said James M. Graham. She has lived with him since the date of their marriage, and the six children included in the application of said James M. Graham, and hereinbefore named, are the issue of the said marriage. The oldest child Marion is identified on the Strip payment roll of 1894, and the five younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John W. Graham, his wife Missouri Graham, Gideon Graham, Mathew A. Painter, and his wife Laverna A. Painter, Florence P. Bradshaw, John F. Graham and Joe Willis Neal have resided in the Cherokee Nation since 1888, and that Joe E. Graham and James M. Graham have resided in the Cherokee Nation since 1884. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group X, includes the application of the said Ella Dawson and those claiming through her. The said Ella Dawson, at the time of her admission to citizenship, was the wife of Green W. Jackson, but she was admitted to citizenship under her maiden name of Dawson. This group embraces cases numbered D 395, D 476, D 508, D 830 and D 847.

The evidence shows that Green W. Jackson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on March 24, 1887 to the said Ella Dawson. He had been previously married to her in Texas prior to her admission to

citizenship. From an affidavit made a part of this record it appears that Green W. Jackson died subsequent to the date of this application, and prior to September 1, 1902.

The evidence further shows that Flora Harmon, formerly Jackson, Tahlo A. Jackson, William Jackson and Fannie Lonex, formerly Jackson are the children of said Ella Dawson, now Ella Jackson. Flora Harmon, Tahlo A. Jackson and Fannie Lonex were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census Roll of 1896.

James H. Harmon was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 24, 1887, to the said Flora Jackson. He has lived with his wife since the date of their marriage, and the four minor children included in his application, and hereinbefore named, are the issue of the said marriage. James H. Harmon and his three elder children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

William C. Lonex was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 1, 1888, to the said Fannie Jackson. He has lived with his wife since the date of their marriage, and the two children Birtie E. and Myrtle Lonex, included in his application, are the issue of the said marriage. William C. Lonex and his two children are identified on the Cherokee Census roll of 1896.

Lizzie Jackson claims to have been married in 1888 to the said William Jackson, who is now deceased. It appears that William Jackson at the date of his mother's admission to citizenship, was over twenty-one years old. There is no evidence that the said William Jackson was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission

to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Lizzie Jackson and the five minor children included in her application, and hereinbefore named, are identified on the Cherokee Census roll of 1896, and they take only such rights as may have been possessed by the said William Jackson. The authority of the Commission herein is defined in Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

The evidence further shows that the said Ella Jackson, the said Flora Harmon and the said Tsakie A. Jackson have resided in the Cherokee Nation since 1884, and that William S. Lenox, and his wife Fannie Lenox have resided in the Cherokee Nation since 1888. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XI, includes the applications of those claiming through Malvina Dawson and embraces case numbered D 359.

The evidence shows that James Lowe is the son of the said Malvina Dawson, and that at the time of her admission to citizenship the said James Lowe was over 21 years old. There is no evidence that the said James Lowe was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). It further appears that the said James Lowe was married on June 12, 1887, to Mollie Knight, a white woman, and the four minor children included in his application and hereinbefore named, are the issue of that marriage. James Lowe and his said children are identified on the Cherokee Census roll of 1896 and said children take only the rights which may have been acquired by their father.

The authority of the Commission herein is derived in Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

Group XII, includes the applications of those claiming through the said W. A. Dawson and embraces cases numbered D 405, D 406, D 715, R 12 and R 13.

The evidence shows that Millie T. Dawson was married to the said W. A. Dawson in 1892 and lived with him as his wife in the Cherokee Nation until his death in 1899, and that she has not re-married since his death. Texanna Woolley is the daughter of said W. A. Dawson and his former wife Melissa A. Dawson. Texanna Woolley was a minor at the date of her father's admission to citizenship, and she is identified on the Strip payment roll of 1894. She was married on March 27, 1898, to James Woolley, and her children Irene T. and Wilburn R. are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

Henry T. Richardson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 11, 1886, to one Sellar Dawson, who was the daughter of the said W. A. Dawson by his first wife Melissa A. Sellar Dawson was a minor at the date of her father's admission to citizenship. Henry T. Richardson lived in the Cherokee Nation with his said wife Sellar from the date of their marriage until her death in 1892. On September 22, 1898, Henry T. Richardson married one Kitty Flournoy nee Dawson. The said Kitty Flournoy was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Of the children herein applied for, Delia F. Richardson is the child of the applicant by his first wife, Sellar. Finis T. Richardson and Jasper C. Richardson are children by his wife Kitty. Oscar, Walter, Alice, Laura, Oscar, Claude and Edna Flourney are the children of his said wife Kitty by a former husband.

The six older children were admitted to citizenship in the Cherokee Nation on December 1, 1894, with their mother as the members of her family. The youngest child Edna Flournoy was born in 1896 and was living at the date of this application. Dalia F. Richardson is identified on the Cherokee Census roll of 1896, and Finis T. and Jasper C. Richardson are identified by birth affidavits on file with this Commission.

Etta Brauer is the daughter of said W. A. Dawson, and was a minor at the date of her father's admission. She was married in 1892 to a non-citizen but such marriage was not in accordance with Cherokee laws. She is identified on the Cherokee Census roll of 1896.

Melissa A. Dawson was married to the said W. A. Dawson in the State of Texas on September 28, 1873. The Supreme Court of the Cherokee Nation in the case of Melissa A. Dawson vs. W. A. Dawson, decided that Melissa A. Dawson, the applicant herein was a citizen of the Cherokee Nation by virtue of intermarriage with her said husband, W. A. Dawson. She is identified on the Cherokee Census roll of 1896, and she has not re-married since her divorce from said W. A. Dawson.

The evidence shows that Texanna Woolley has resided in the Cherokee Nation since 1884; that Etta Brauer and Melissa A. Dawson have resided in the Cherokee Nation, with the exception of temporary absences, since 1884; that Millie T. Dawson has resided in the Cherokee Nation since 1892; that Henry T. Richardson has resided in the Cherokee Nation since 1886, and that Kitty Richardson, his wife, has resided in the Cherokee Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XIII, includes the following applications: Hiram F. Weddle, et al D 521; William D. Douthitt, D 522; Alonzo M. Fishback, D 543; Florence Morgan, et al D 737; John E. Fishback, D 845 and George A. Mabry, et al D 979. The persons embraced in these appli-

sations are related to the above named Dawsons. They are not claiming the right to enrollment by virtue of such relationship, but rely upon a separate adjudication of their rights.

The evidence shows that Hiram P. Waddle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on September 13, 1884, to Lula F. Douthitt, who was admitted to citizenship in the Cherokee Nation by the said "Spears Court" on September 13, 1884. Curtis, Morris O. and Roy Waddle are the issue of the said marriage. Hiram P. Waddle and his said wife are identified on the Cherokee Census roll of 1896, and their three children are identified by birth affidavits on file with this Commission.

William D. Douthitt is the brother of said Lula F. Waddle, and was admitted to citizenship in the Cherokee Nation with his said sister on September 13, 1884. He is identified on the Cherokee Census roll of 1896.

Alonzo M. Fishback was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 17, 1894, to Lavrna A. Dawson. He had been previously married to the same wife in Texas in 1877, and has lived with her ever since. It appears that Lavrna Fishback was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. William A. and Annie B. Fishback are the issue of the said marriage. Alonzo M. Fishback and his said wife and children are all identified on the Cherokee Census roll of 1896, and his wife is also identified on the Cherokee pay roll of 1890.

Florence Morgan, the wife of Albert L. Morgan, is the daughter of the Kitty Richardson heretofore mentioned and was admitted to citizenship in the Cherokee Nation on December 1, 1894 with the said Kitty Richardson as a member of her family. Clide and Alice A. Morgan are her children by her said husband. The said children are

identified by birth affidavits on file with this Commission.

John R. Fishback is the son of Laverna Fishback, who was re-admitted to citizenship on December 1, 1894, as heretofore stated. He was a minor at the date of his mother's admission to citizenship and he is identified on the Cherokee Census roll of 1896.

George A. Mabry was married to one Edna Dawson in the State of Arkansas in 1884. He claims to have been married under a Cherokee marriage license to his said wife in 1880, but he presents no satisfactory proof of such marriage. Edna Dawson was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Roby and Charley Mabry are her children by her said husband, George A. Mabry. Edna Mabry is identified on the strip payment roll of 1894, and the two children were minors at the date of their mother's admission to citizenship.

The evidence further shows that Alonzo H. Fishback and his wife Laverna A. Fishback have resided in the Cherokee Nation since 1883; that Lula P. Waddle, William D. Southitt, and John R. Fishback have resided in the Cherokee Nation since 1884, and that Florence Morgan and Edna Mabry have resided in said Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

All birth affidavits for the minor children embraced in this decision, and hereinbefore noted, are made a part of this record.

It is contended by the Cherokee Nation that the applicants herein are not entitled to be enrolled by this Commission because they have never been lawfully admitted or enrolled by the Cherokee authorities, and that the judgment of the Cherokee Commission on citizenship admitting Robert Dawson and his family was obtained by fraud on the part of said Dawson.

In considering the question at issue, it is the opinion of this Commission that it has no power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and were passed upon by that Commission. In United States vs. Throckmorton, 98 U.S. Page 61, it is stated, "the doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment assailed." Only such facts therefore, are considered by this Commission, as were not part of the record in the Robert Dawson case before the Teehee Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Teehee Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment.

Briefly stated, the circumstances attending the admission of the Dawsons appear to be as follows:

On September 24, 1881, an application was made to the Cherokee Commission on Citizenship known as the "Teehee Court" for admission to Cherokee citizenship of Robert Dawson and the members of his family above mentioned. The members of that Commission were Thomas Teehee, Alex Wolfe and T. F. Thompson. The first two were full blood Cherokee Indians; they could understand, but could not talk English. One D. W. S. Duncan was the Clerk of the Commission. The Dawson case was continued several times before final decision. J. M. Bryan appears to have been an attorney in the case, and after some delay he notified Francis M. Dawson that the case would be taken up by the Commission at its session in January, 1883, and also informed him that C.M.Bayler would look after Dawson's interests as he, Bryan,

would be in Washington. On receipt of this notice Francis M. Dawson went to Fort Gibson, Cherokee Nation, and made arrangements with his uncle Samuel H. Benge to go to Tahlequah and conduct the case. Benge who is a witness herein testifies that he was connected with the Dawson case when it was commenced in 1881; that it was continued several times for want of evidence, and that in January, 1885, in company with F. M. Dawson he went to Tahlequah and while there secured the testimony of Tom Rogers, a negro, who knew the Dawson's ancestors, and that after getting his evidence the case was submitted to the Commission. He further testifies that the Commission rendered a decision against the Dawsons and that next morning the Commission reopened the case, but not upon motion of the witness, and rendered a judgment admitting the Dawsons to citizenship. He further states that on his way home to Fort Gibson with Dawson he remarked to the latter, "it was a pretty hard blow when they rendered a decision against us," to which Dawson is alleged to have replied, "yes, but Duncan was the man to reach and he reached him with five hundred dollars."

Dawson denies ever having had such a conversation and says that he did not return to Fort Gibson with Benge but went home to Arkansas by a different route.

C. H. Taylor testifies that he was an attorney in the case and was present when the case was decided. He says there were only two Commissioners present, Tehee and Wolfe. He further testifies that D. W. C. Duncan, the Clerk of the Court asked the witness to let him know when any large citizenship cases came up; that he introduced F. M. Dawson to Duncan on the evening of January 10th, heard part of a conversation between them in which Duncan addressing Dawson said, "there is a hitch in your evidence, if that was straightened out it will be all right." Next morning witness says Dawson told him to call up the case, which he did. That there was no additional

evidence introduced and no argument made, and that the case was then decided in favor of the Dawsons. Witness further testifies that Dawson gave him twenty dollars and said he would send him the balance in a short time, that in the course of ten days he sent him one hundred dollars with directions to pay over half of it to Duncan; that Dawson soon afterwards sent him another hundred dollars with the same instructions to give Duncan half of it.

Dawson denied the matters testified to by Taylor excepting in the matter of paying Taylor money, which he admits in part, but says that the twenty dollars mentioned was sent to Taylor about a year after the decision, and that he instructed Taylor to pay it over to Duncan to pay him for a land claim, and that the other money was in payment of J. M. Bryan's attorney fees which Taylor represented to Dawson he had for collection against him. Taylor's reputation for truth and veracity has been impeached by various disinterested witnesses.

The evidence which may be considered as tending to support the charge of fraud is the testimony of S. H. Lange, C. H. Taylor, Thomas J. Babcart, J. L. Clinkenbeard, James W. Lewis, C. G. Draught and David Meredith.

S. H. Lange testifies that a judgment adverse to the Dawsons was rendered by the Commission on the evening of one day and without any additional proceedings in the case that judgment was reversed on the morning of the next day.

Even if this were a material fact, there is no other proof that two judgments in the case were ever rendered. The record of the proceedings and judgment in the Commission's docket is all on one page, the entry of the application in 1851 and the first continuance being entered under authority of a former Commission and by a different clerk, and there is no evidence of erasure on that page. It is not an unusual thing for a Court to change its judgment, and this fact, if it is a fact, is not in itself any evidence of fraud.

Thomas B. Dabeart testifies that one James Dawson, a man of forty or fifty years of age, in company with Butler, the Commission's interpreter and Jim Smith, solicitor for the Nation, came to the witness in Tahlequah the evening of January 10, 1883, to borrow some money; that Dawson was vouched for by Butler as a responsible party and that Dawson told the witness that he had to have money that night, that his case was to be submitted the next day if he could get some money, that Smith had agreed to submit the case without evidence, and that witness thereupon let Dawson have ten dollars.

Admitting all this to be true and that the influence of these officials was purchased for the sum of ten dollars, the Commission fails to see how these alleged facts show that the Court was imposed upon or misled. Bribery of officials to use their influence with the Commission would not necessarily vitiate the judgment, but it must appear that the fraud, or corruption reached the members of the Commission and tainted the judgment itself. The case was not submitted without evidence as appears from the record, and it is shown that such evidence was carefully considered by that Commission. Furthermore, the evidence shows that there was no such person then in Tahlequah as the James Dawson described by witness.

Clinkenbeard testifies that he had a talk with Elbert Dawson about 1881; that Dawson told him he had only one witness, Dr. Baker of Arkansas, "an old man 85 or 90 years old who did not know straight up" and that he could give Dr. Baker four drinks of Arkansas whiskey and he would swear black was white. Witness further testifies that Dawson told him that money was what made the mare go in Texas, and that he had found out that it goes here too.

Assuming that this Commission can go into thequestion of perjury in connection with evidence in that case, the testimony of Clinkenbeard establishes, if anything, only the facts stated, and does not prove that Dr. Baker committed perjury in giving his testi-

mony before the Commission. Further, it is not clear that Dr. Baker was the only witness in the case. Benge stated that Tosh Rogers was a witness, Duncan is under that impression also, and T. F. Thompson, one of the Commissioners, states that he thinks there were three witnesses. The testimony of Dr. Baker, seems, however, to be the only testimony preserved of record. As to whether Doctor Baker offered perjured testimony by Dawson's procurement, it is proper to state that the evidence of W. H. Curtis and A. S. McKennon, witnesses for applicants, show that Doctor Baker was a man of integrity and was not addicted to drinking.

The testimony of James W. Lewis is to the effect that he had a conversation with F. M. Dawson about 1883, in which Dawson had told the witness that it had cost him seven hundred dollars to get his rights. Draught also testifies that he was an applicant for citizenship about 1881 or 1882, and that while his case was pending he had a talk with F. M. Dawson who told him that if he (the witness) ever got in, it would cost him seven hundred dollars, and that Dawson told him he had paid one witness three hundred dollars, and made arrangements with the Court to get the Dawsons in at one hundred dollars a family. David Meredith testifies that he had a talk with old James Dawson in 1888, and that the latter told the witness it cost him twelve hundred dollars to get his case through.

It can hardly be urged that such evidence is sufficient to show that the members of the Teehee Commission were corrupted by the fraudulent use of money. So far as these witnesses have been able to testify the money spent by the Dawsons might have been for proper and legitimate purposes. F. M. Dawson gives a detailed statement of what the case cost him and his brother in a legitimate way. The presumption can not be indulged that such moneys were used for fraudulent purposes and the proof to the contrary must be very clear

before this Commission will deny applicants the right to be enrolled upon that ground.

Admitting the truth of all the testimony in this case as to the actual transfer of money by the Dawsons, it appears that Duncan, Butler and Smith were the only beneficiaries of that money. There is no evidence that the members of the Commission received or were offered any of it.

The judgment entered in the Commission's docket shows the signature of the three members of the Commission appended thereto. There is some conflict as to whether Duncan signed Thompson's name, or whether Thompson affixed his own signature. Duncan testified that all three signatures were made by him as Clerk under authority of the Commissioners present, the two full bloods being unable to sign their names. T. F. Thompson testifies that he signed the original transcript of the judgment, which was made on the day of its rendition. The question, however, is not considered to be very material. The signing of judgments by each Commissioner appears to have been a matter of custom only. T. F. Thompson testifies that he remembers the Dawson case and recognizes the judgment therein as the final judgment of the Commission, and that there was no fraud or corruption in the procurement of that judgment by the Dawsons or by any one else so far as he knew.

Much evidence has been introduced by the Cherokee Nation for the purpose of showing that the ancestor, through whom the Dawsons claim, was not a Cherokee, and that other members of the Dawson family, claiming from the same source, have been denied Cherokee citizenship by subsequent Cherokee tribunals, and also by this Commission and by the United States Court. Such evidence, in the opinion of this Commission, is not competent for any purpose in this proceeding. The only question before this Commission is whether there was

fraud in the procurement of the Robert Dawson judgment, and not whether the applicants are Cherokee Indians, or whether they ought to have been admitted to citizenship upon the proof submitted. These were questions presented, considered and passed upon by the Teckee Commission. If their decision is a valid and regular judgment, it is binding on this Commission. If, on the contrary, the applicants have never been lawfully admitted to citizenship, because the judgment under which they claim is void, for fraud, then the question as to whether they are Cherokees by blood is not material, as this Commission has now no authority to admit them to citizenship.

While it is true, that since 1883, a number of applicants, members of the Dawson family, have been denied admission to citizenship in the Cherokee Nation, no argument derived therefrom is of any force, for it is also true that other members of the same family have been admitted to citizenship, and the action of the Cherokee authorities in admitting them has never been questioned by the Cherokee Nation. Whatever inference, therefore, may be drawn from these facts, applies with equal force both for and against the validity of the judgment in question.

The Dawsons have lived in the Cherokee Nation, most of them since 1883; they have exercised the rights of Cherokee citizenship for many years, some of them occupying official positions in the Nation, and no protest seems to have been made against their citizenship until within the last few years. The records of the Cherokee Nation, in the possession of this Commission, show, that since 1883, there have been Commissions on citizenship charged with authority to investigate the judgments of former tribunals alleged to have been secured by fraud, and the Cherokee Legislature had power to order an investigation, and to create a tribunal with authority to set aside a judgment so obtained. No such action appears to have been taken

by the Cherokee authorities with reference to the judgment of the Teehee Commission in the Robert Dawson case.

After a careful consideration of all the facts in this case this Commission is of the opinion that the evidence fails to establish that the Dawsons secured their admission to citizenship by fraud or that the judgment of the Teehee Commission as rendered January 11, 1883, was fraudulent as the result of corruption, bribery, or deception upon the part of the Dawsons, or their agents, and that such judgment, and also the judgment of the Spears Commission in 1884, and the Act of the Cherokee National Council of December 1, 1894, which have not been attacked by the Cherokee Nation, being regular on their face, must therefore be accepted by this Commission as the valid judgments of the duly constituted Cherokee authorities.

It is, therefore, the opinion of this Commission that,

(Group I.) Francis M. Dawson, son of Robert Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William E. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson, Jr., son of Francis M. Dawson and grandson of Robert Dawson,

(Group II.) Samuel R. Dawson, August Dawson, Nate Dawson, Robert Dawson, Albert P. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blossome Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman,

(Group III) John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa D. Dawson, Charles E. Dawson, Hattie J. Dawson, Washington B. Dawson, James U. Dawson, Vernal S. Dawson, Thomas P. Dawson, Marion J. Dawson, Orla M. Dawson, Mary E. Dawson, James W. Dawson,

(Group IV) Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Sam Gray, Odell Gray, Delbert Gray, Effie Akin (formerly

Effie Pierce), Nancy J. Bogle, James E. Bogle, Edna M. Bogle, John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle,

(Group V) Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie B. Dawson, Ermine C. Dawson, Edwin C. Dawson, Anqil F. Dawson,

(Group VI) Mollie Moore, Vera Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore,

(Group VII) Henry A. Blasingame, Vinnie C. Blasingame, Albert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame,

(Group VIII) Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas H. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman,

(Group IX) Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Lavorna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham,

(Group X) Ella Jackson, Flora Harmon, Lillie B. Harmon, Claud Harmon

Dwight Harmon, William D. Harmon, Tookie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox,

(Group XII) Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Kitty Richardson, Edgar Flournoy, Walter Flournoy, Alice Flourney, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Willie T. Richardson, Jasper C. Richardson, Belle E. Richardson, Rita Brauer,

(Group XIII) Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William S. Douthitt, Laverne A. Fishback, William A. Fishback, Annie E. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry, and Charley Mabry,

should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and that

(Group I) Katie Dawson, Andrew C. Atkins,

(Group II) Catherine Dawson, Sarah F. Dawson, August Dulavsky, Mannie Dawson,

(Group III) Sarah J. Dawson, nee Wood,

(Group IV) Nellie Pierce, John S. Bogle,

(Group V) Florence Dawson, Martha A. Dawson,

(Group VI) Charles T. Moore,

(Group VII) Ida Blasingame, Mary A. Blasingame,

(Group VIII) Martin L. Patterson, Alice Dawson, Sarah J. Dawson, nee Jones,

(Group IX) John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles F. Bradshaw, Bessie Graham,

(Group X) James H. Harmon, William C. Lenox,

(Group XII) Millie T. Dawson, Henry F. Richardson, Melissa A. Dawson,

(Group XIII) Miram F. Weddle and Alonzo M. Fishback, should be

enrolled as citizens by intermarriage of the Cherokee Nation in accordance with the provisions of said Section twenty-one of the Act of Congress, and it is so ordered.

It is further the opinion of this Commission that for the reasons heretofore stated, the applications for the enrollment of [redacted] William C. Allred, (embraced in D 855) [redacted]. [redacted], (embraced in D 827); Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, and Clyde Jackson, the children of William and Lizzie Jackson, (embraced in D 830); James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe, (embraced in D 839), as citizens by blood of the Cherokee Nation, and that the applications of Lizzie Jackson, widow of William Jackson, (embraced in D 830), and George A. Mabry (embraced in D 979), as citizens by intermarriage of the Cherokee Nation should be denied, in accordance with the provisions of the law heretofore quoted, and it is so ordered.

As hereinbefore stated William Pierce (D 409) and Cecil Dawson (D 358) and Green W. Jackson (D 395), died prior to September 1, 1902. It further appears from affidavits, made a part of this record that Liddie and Margaret Graham (D 1128) have died since the date of the application for their enrollment and prior to September 1, 1902.

It is, therefore, ordered that the applications for the enrollment of said William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham be, and the same are hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) TAMS BIXBY,
Acting Chairman.

(Signed) T. B. [redacted],
Commissioner.

(Signed) C. R. BRECKINRIDGE,
Commissioner.

Dated at Muskogee, Ind. Ter.,
this Dec. 23, 1902.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREECKINRIDGE.

ALFRED L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

February 1st,

Muskogee, Indian Territory, ... 1902

James Lowe,

Afton, Indian Territory,

Sir:-

You are hereby notified that the application of yourself and four minor children

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 17th day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-883
Register.

Yours truly,

Acting Chairman.

COPY.

Cherokee D-324--

Muskogee, Indian Territory, January 24, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Nate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Berman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Nattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James R. Bogle, Edna P. Bogle, John H. Bogle, Marvin R. Bogle,

Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence R. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Turus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Dora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert E. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina B. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie L. Graham, Florence M. Graham, Lavarna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley,

Mittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris C. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Fannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson. James Lowe, May Lowe, Zelma Lowe, Roberta Love and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

(Signed) TAMES BERRY,

Acting Chairman.

Enc. M-130.

COPY.

Cherokee D-524--

Muskogee, Indian Territory, February 10, 1903.

A. S. McKennon,

Attorney for Francis M. Dawson, et al,

Wewoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J.F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles E. Dawson, Hattie E. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orlo H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles D. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E. Bogle, Edna E. Bogle, John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E.

Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert D. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hollen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse D. Graham, Gracie M. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Mittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura

Fluornoy, Oscar Fluornoy, Claude Fluornoy, Edna Fluornoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Mannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

You have heretofore been furnished with a copy of the record of proceedings had in this case.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished both yourself and the principal applicant, by the attorney for the Nation.

The decision, together with the record of proceedings had in this case will be transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

You are requested to forward to the Commission two copies of your printed brief in this case, in order that the same may be included in the record to be forwarded to the Secretary of the Interior

Respectfully,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. M-45.

Register.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Francis M. Dawson et al., applicants for enrollment as citizens of the Cherokee Nation, including the Commission's decision, dated December 23, 1903, granting said application as to Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E.Bogle, Edna B. Bogle, John H. Bogle, Marvin R.Bogle,

Claud Beglo, Nancy Edith Beale, Joseph R. Dawson, Clarence R. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Dora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Laverna A. Painter, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn R. Woolley,

Kittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brewer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Pulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Fogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Dessie Graham, James H. Parmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson , Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson, and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

Enc. M-136.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, together with the Commission's decision in said case, and the protest of the Cherokee Nation against said decision, dated February 6, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

A. S. McNamara,

Attorney for Francis M. Dawson, et al.,

Wewoka, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

COPY.

Cherokee D-839.

Muskogee, Indian Territory, February 25, 1903.

James Lowe,

Afton, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., rejecting, among others, your application for the enrollment of yourself and your four minor children, May, Zelma, Roberta and Rosa Lowe, as citizens by blood of the Cherokee Nation.

There has heretofore been furnished your attorney, A. S. McKennon, Wewoka, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Acting Chairman.

Enc. H-30.

Register.

Refer in reply to the following:
LAND
12858-1903.

C O P Y .

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Oct. 16, 1903.

CHEROKEE ENROLLMENT.

Francis M. Dawson, et al.,

GROUP XI.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to office report of even date, transmitting Group 1. of the consolidated Cherokee case of Francis M. Dawson, et al., applicants for enrollment, there is enclosed herewith the record pertaining to the applicants parties to Group XI.---

D. 839, Group XI. page 1.

James Lowe applies for the enrollment of himself and his minor children, May, Zelma, Roberta and Rosa Lowe, as citizens by blood of the Cherokee nation.

The Commission in its decision of December 23, 1902, held that these applicants were not entitled to enrollment as citizens by blood of the Cherokee Nation.

August 31, 1903, Kimball & White filed a brief on behalf of applicant James Lowe and applicant Lizzie Jackson. Lizzie Jackson

is a party to Group X. On August 14 they filed a motion for review and recommitment to the Commission the case of James Lowe. They ask that the motion be passed upon before this office or the Department acts on the case upon its merits.

In connection with the motion to recommit, Kimball & White filed an affidavit of James Lowe, in which he swears that he is a son of Melvina Dawson, who was admitted to citizenship in the Cherokee Nation by the Spears Commission or Court, September 9, 1884; that at the time of his mother's admission he appeared before the Court for the purpose of applying for the admission of himself; that he advised the Court as to the relationship existing between himself and Melvina Dawson; that he informed the Court he was more than twenty-one years of age; that the Court asked whether he was unmarried and living with his parents; that upon this question being answered in the affirmative, the Court advised the affiant that the admission of his mother carried with it his admission, and that it was not necessary therefore for him to make application for admission to citizenship.

Said attorneys in their brief take the position that on account of the showing made by the affidavit of James Lowe, he is entitled to enrollment.

The record in this case shows that James Lowe is the son of Melvina or Melinda Dawson, who was admitted to citizenship by the Spears Commission, September 9, 1884. He was about twenty-two years of age when his mother was admitted. He has resided in the Cherokee Nation 1884. He claims to have actually removed to and in good faith settled in the Cherokee Nation in the Spring of 1884. His

name and the names of his minor children, May E., Selma, Roberta and Rosa Lowe, appear on the 1896 census roll. The record does not show whether the applicant's name appears on the 1894 Strip payment roll, but he positively swears that he participated in that payment.

The applicant in his affidavit swears that he has voted at Cherokee elections since attaining his majority; that he was arrested by a Cherokee official, charged with an offense against the Cherokee law, "said offense being the employing of a white clerk;" that the penalty for such action was a fine of not less than $100.00 and not more than $1000.00, and not less than one year nor over five years' imprisonment; that the affiant was tried before a Cherokee District Judge; that the Judge held the law was unconstitutional; and that he has been amenable in every way to the laws of the Cherokee Nation, "even to being appointed to and holding the office of Deputy District Clerk of the Delaware District."

As the record does not show whether the principal applicant's name is found on any roll of the Cherokee Nation other than the 1896 roll, and considering his affidavit, it is believed by the office that Group XI. should be returned to the Commission with direction to advise the Department whether the name of James Lowe appears on any Cherokee roll beside the 1896 roll, and which instructions to determine if possible as to the truth or falsity of the affidavit of the principal applicant.

Very respectfully,

(Signed) W. A. Jones.

Commissioner.

G.A.W.-L.C.

(COPY)

Refer in reply to the following: Land. 66,291-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, Oct. 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

The office is in receipt of Departmental letter of October 14, 1903 -- I.T.D. 8683 -- transmitting a communication from W. W. Hastings, Attorney for the Cherokee nation, dated October 1, 1903, forwarding a supplemental brief in the matter of the enrollment of James Lowe, et al., and Lizzie Jackson, et al., as Cherokees, parties to the consolidated case of Francis M. Dawson, et al.

Office report on the record pertaining to the parties above mentioned was prepared before Department letter of October 14 was received, and inasmuch as it was recommended in report of October 16 relative to group 10 that the record in so far as it relates to the application of Lizzie Jackson for the enrollment of her minor children, be returned to the commission with direction to ascertain whether the name of William Jackson, deceased, and that of Lizzie Jackson, or those of the minor applicants are found on any roll of the Cherokee nation other than the 1896 roll; it is not believed that it is necessary to enter into any discussion of that part of the brief which pertains to these minor applicants.

Lizzie Jackson applies for enrollment as an intermarried citizen

and her application should not be passed upon until after the Court of Claims shall have made findings and rendered an opinion on the question submitted to it by the Department on February 24 last.

The record relative to the application of James Lowe was forwarded with office report of October 16, group 10, and it was recommended that the record in so far as James Lowe is concerned, be returned to the commission with instructions to determine whether the name of James Lowe appears on any roll of the Cherokee Nation other than the 1896 roll and with direction to determine, if possible, the truth or falsity of the affidavit made by the principal applicant and filed with the case while it was pending in this office.

In view of this recommendation the office does not consider it necessary to discuss that part of the supplemental brief which relates to James Lowe.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

(G.A.W.)P.

Refer in reply to
the following:
Land.
1879-1904.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, Feb. 2, 1904.

C O P Y.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to office report of October 21, 1903 (Land 66291), there is inclosed, herewith, a communication from W. W. Hastings, attorney for the Cherokee Nation, transmitting supplemental brief in behalf of the Cherokee nation in the matter of the application of James Lowe, et al., for enrollment as citizens of the Cherokee Nation These applicants are parties in the consolidated case of Francis M. Dawson, et al. Mr. Hastings states that a copy of the said brief has been transmitted to Kimball & White, Washington, D. C., attorneys for the applicants, by registered letter. The registery receipt accompanies the papers.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

GAW:LKS.

3 inclosures.

D C 18511-1904. COPY J.W.H.

I.T.D. 7442-1903. DEPARTMENT OF THE INTERIOR, J.P.
7460- "
7574- "
888-1904. WASHINGTON JWH
March 31, 1904.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On February 25, 1903, you transmitted the record in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee nation. In your decision of December 23, 1903, you disposed of the applications in the Dawson case by groups. In this letter, Group XI, as disposed of by you, will be considered, which includes the application of James Lowe, D839, for the enrollment of himself and his minor children, May, Zelma, Roberta and Rosa Lowe, as citizens by blood of the Cherokee Nation.

James Lowe is the son of Melvina (or Malvina or Melinda) Lowe, nee Dawson, who was admitted to Cherokee citizenship by decree of the Spears Court dated September 9, 1884. The said applicant was 22 years of age when his mother was admitted. It is impossible to ascertain from the record his exact age at the date her petition was filed. It is considered, however, that he was about 21 years old. He removed to the Cherokee Nation in the spring of 1884, where he has since resided. He is identified upon the strip payment roll of 1894.

Kimball & White, attorneys for the applicants, filed a motion

for a rehearing in reference to this application, subsequent to the receipt of the record by the Department. Said motion, which was served upon the attorney for the Nation, is supported by an affidavit signed by James Lowe. Subsequently the attorneys for the applicants filed a brief in support of the application of James Lowe, stating that if the Department considered the statements made by James Lowe in said affidavit as proved, they are willing that the case be disposed of upon the record as it now stands, with this affidavit added. This supplemental brief was also served upon the attorney for the nation. The latter has also filed a brief respecting this application, duly served. In their supplemental brief the attorneys for the applicant rely upon Department decisions in the Caldwell and Hill cases, of June 11 and July 12, 1902.

From the affidavit of James Lowe it appears that he and his cousin, William Jackson (Group K), presented themselves before the Spears Court for the purpose of applying for admission, but were advised by the Committee that as they were unmarried and living with their parents, it was unnecessary for them to make separate application. Said affidavit further relates that the affiant has been duly enrolled as a Cherokee citizen; has been allowed to vote at all Cherokee elections, and to exercise all the rights of Cherokee citizenship; that he was arrested by a Cherokee official, upon the charge of employing a white clerk; that he was tried for such offense and acquitted by the District Judge, who held that said law was unconstitutional, and that the said affiant has held the office of Deputy District Clerk of the Delaware District, Cherokee Nation.

From the above statement of facts, it is impossible to form a definite decision as to whether or not James Lowe was admitted by

the decree of the Spears Court which admitted his mother. It was, however, the intention of the Cherokee authorities in the matter, to admit him, if their subsequent conduct by virtue of which he was taken and received as a citizen among them, can be regarded as indicative of their purpose. It is unnecessary, however, to determine whether or not citizenship was directly conferred upon this applicant by the Spears Court, or whether the statements contained in his affidavit are true. Independent of benefits which may have accrued directly to him by the admission of his mother to citizenship, there are other grounds upon which his right to enrollment depend. The decree admitting his mother declared her to be a citizen by blood. He "now resides" in the Cherokee Nation, where he has lived since 1884. He is identified upon the strip payment roll of 1894 and upon the census roll of 1896. Applying the rule laid down in departmental decisions of June 10, July 12 and November 12, 1903, relating respectively to the Martha Hill, James Shirley and Gus Caldwell cases, he is entitled to enrollment in accordance with the provisions of Section 5 of Article 3 of the Cherokee Constitution as amended in 1866.

His children, named above, were born in the Cherokee Nation and have always resided therein. They are identified upon the 1896 census roll, and (according to your letter of November 30, 1903, to Kimball & White) upon the strip payment roll of 1894.

In your decision of December 23, 1902, you refused to enroll these applicants.

Reporting in reference to this group October 16, 1903, the Commissioner of Indian Affairs recommended that the record be returned

to you with instructions to ascertain whether the name of James Love appears upon any Cherokee roll besides that of 1896.

From your letter of November 20, 1903, to Kimball & White, referred to above, showing that the name of James Love is on the 1896 roll, it is considered unnecessary to return the record for the purpose indicated by the Commissioner. It is sufficient that the record already shows his identification upon the 1896 roll.

In view of the considerations enumerated above, your decision is reversed as to the applicants in this group, and you are directed to enroll them as citizens by blood of the Cherokee Nation.

A copy of the Commissioner's letter of October 14, 1903, relating to this group, is inclosed herewith, together with copy of his letter of October 21, 1903.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

2 inclosures.

KY.

Cherokee D-839.

Muskogee, Indian Territory, April 18, 1904.

Kimball & White,

Attorneys for James Lowe et al.,

Columbian Building,

Washington, D. C.

Gentlemen:

You are hereby advised that the Commission's decision, dated December 23, 1904, rejecting the application for the enrollment of James, May, Zelma, Roberta and Rosa Lowe as citizens by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on March 31, 1904.

Respectfully,

Commissioner in Charge.

Cherokee D-839

Muskogee, Indian Territory, April 12, 1904.

James Lowe,

Afton, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, rejecting, among others, your application for the enrollment of yourself and your minor children, May, Zelma, Roberta and Rosa Lowe, as citizens by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on March 31, 1904.

Respectfully,

Commissioner in Charge.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

A. S. McKennon,

Attorney for Francis L. Dawson, et al.,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis L. Dawson, et al., granting the applications for the enrollment of Francis L., Lula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Francis L. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. F. Atkins, John W., Albert H., Ralph H., Alford, Samuel R., August, Nate and Robert Dawson, Katie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, John, Robert B., Iola L., Lemuel H., Rosa E., Charles F., Hattie J., Jennings B., James U., Vergal C., Thomas P., Mariee J., Orle M., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Harmon, Toshie A. Jackson, Fannie, Birtie E. and Myrtle Lenox, Missouri, Tempa V., Robert S., Gideon, John W., Julius E., Francis M., Mary E., Jesse T., Gracie A. and Florence A. Graham, Laverna A., Ada R., Eva P., John W., Ray D., Roberta A., and

Roy M. Painter, Florence I., Myrtle and Claude Bradshaw, Joe E., William [illegible], John F., Dana L. and Robert Lee Graham, Joe Willie Neal, James [illegible], Marion, Maggie, Luther and Floyd Graham, Mollie, Nora, [illegible], Clara, Ora, James M., and Edna Edith Moore, Richard M. and [illegible] Dawson, Ella L., Hellen J. and William Glenn Spickerman, Wilbert [illegible], Ralph E., Robert L., and William C. Dawson, Zona, Sarah [illegible], Martha A., Claud A., Edgar D., Thomas M. and Virgil V. Patterson, Joseph R., Clarence E., Council J., Elmer A., Cleo, Rufus T., Edgar, Wilburn, James R., Minnie B., Ermine C., Edwin C. and Ancil F. Dawson, Etta Brauer, Kitty, Delia F., Finis T. and Jasper Cecil Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy, Texanna, Irene W. and Wilburn E. Woolley, Laverna A., William A. and Annie B. Fishback, Lula P., Curtis, Morris O. and Roy Weddle, Florence, Clide and Alice A. Morgan, John E. Fishback, Edna, Roby and Charley Mabry and William D. Douthitt, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Liddie and Margaret Graham as citizens by blood of the Cherokee Nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 31, 1904, and that the Commission's decision rejecting the applications for the enrollment of James, May, Zelma, Roberta, and Rosa Lowe, Osie, Lizzie, Jessie, Ray, and Clyde Jackson as citizens

by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

(SIGNED) E. B. Meritt

Commissioner in Charge.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting the applications for the enrollment of Francis M., Eula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Francis M. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. D. Atkins, John W., Albert M., Ralph M., Alford, Samuel R., August, Late and Robert Dawson, Katie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, John, Robert E., Iola M., Lemuel M., Rosa B., Charles E., Hattie J., Jennings B., James C., Vergal C., Thomas P., Mariee J., Orle M., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Hanson, Toshie A. Jackson, Fannie, Birtie E. and Myrtle Lenox, Missouri, Tempe V., Robert S., Gideon, John W., Julius E., Francis M., Mary E., Jesse E., Gracie M. and Florence M. Graham, Laverna A., Ada R., Eva P., John W., Ray D., Roberta A., and

Roy W. Painter, Florence P., Myrtle and Claude Bradshaw, Joe E., William C., John F., Edna ... and Robert Lee Graham, Joe Willie Neal, James I., Marion, Maggie, Luther and Floyd Graham, Lollie, Nora, Walter, Clara, Ora, James W., and Edna Edith Moore, Richard W. and Ina E. Dawson, Ella L., Hellen J. and William Glenn Spickerman, Albert E., Ralph E., Robert L., and William C. Dawson, Zona, Sarah A., Martha A., Claud A., Edgar D., Thomas ... and Virgil V. Patterson, Joseph R., Clarence E., Council J., Elmer A., Cleo, Rufus T., Edgar, Wilborn, James R., Minnie D., Ermine C., Edwin C. and Ancil F. Dawson, Etta Brauer, Kitty, Delia F., Finis T. and Jasper Cecil Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy, Texanna, Irene W. and Wilburn E. Woolley, Laverna A., William A. and Annie M. Fishback, Lula P., Curtis, Morris O. and Roy Weddle, Florence, Clide and Alice A. Morgan, John E. Fishback, Edna, Roby and Charley Mabry and William D. Douthitt, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Liddie and Margaret Graham as citizens by blood of the Cherokee Nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 31, 1904, and that the Commission's decision rejecting the applications for the enrollment of James, May, Zelma, Roberta, and Rosa Lowe, Osie, Lizzie, Jessie, May, and Clyde Jackson as citizens

by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

(SIGNED) T. B. Needles

Commissioner in Charge.

Cher 10761

Texana Wooley

Trans. from D406

Cher 10761

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 24, 1900.

In the matter of the application of ~~Miss~~ Texanna Wooley for the enrollment of herself and child as Cherokee citizens being sworn and examined by Commissioner Breckinridge she testified as follows:

Q What is your full name? A Texanna Wooley.
Q How old are you? A 22
Q What is your post-office? A Dawson, I.T.
Q In what district do you live? A Coowescoowee.
Q Who is it you want to have put on the roll? A Myself and baby.
Q You claim for yourself as a Cherokee by blood? A Yes sir.
Q What proportion of blood have you got? A 1/16.
Q How long have you lived in the Cherokee nation? 16 years.
Q What was your father's name? A W.A.Dawson.
Q Cherokee or a white man? A Cherokee.
Q Dead or alive? A He is dead.
Q How long was he deceased? 3rd day of December last.
Q Your mother's name? A Melissa A. Dawson.
Q Cherokee or a white woman? A White woman.
Q Is she dead or alive? A Alive.
Q Were you admitted to Cherokee citizenship by act of Cherokee Commission,- your name on this list? A No sir, my father's name is on there; I was a minor at that time, I don't know that roll but I have been enrolled ever since.
Q Your father was admitted in 1894? A Yes sir.
Com'r Breckinridge. Applicant presents what purports to be and appears to be an official copy of the roll of citizens of sundry persons to citizenship by the Cherokee Commission approved July 1, 1894, and among those appears the name of W.A. Dawson.
Q That is your father's name is it? A Yes sir.
Q Have you lived in the Cherokee nation ever since you were admitted in 1894,-- ever since your father was admitted? A Yessir.
Q Is your name down on any certificate of admission? A No sir.
Q When were you married? A [illegible] 1898.
Com'r Breckinridge: Applicant presents marriage license issued by the Clerk of the United States Court for the Northern District of Indian Territory, dated November 17 1898, authorizing marriage between Miss Texanna Dawson and J. J. Wooley, the certificate shows that they were married on the 27th day of November 1898 by the Rev. J. E. Murphy, this is the certificate.
1896 roll examined for applicant and child; not found;
1894 roll page 384 #605 Texanna Dawson, Cooweescoowee District.
Q What is the name of your child? A Irene Wooley.
Q How old is your child? A Three years old.

Com'r Breckinridge: The applicant applies for the enrollment of herself and one child; her father's name appears as indicated in the testimony to have been admitted to Cherokee citizenship by the Cherokee Commission in 1894; the applicant is not identified in the certificate of admission; she is not identified on the roll of 1894, [illegible]; her right to enrollment is established by her marriage, of which she has produced certificate; her child appears; applicant is living in the Cherokee nation; her father was admitted in 1894, her child's enrollment will be placed upon the approval; when the Commission is supplied with proper certificate of the birth of her child, I see it also will be listed with herself and husband.

Texanna Wooley et al 2

M.D.Green, being first duly sworn, states that as stenogr apher to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this 24 day of September 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 24 1900

COO-WEE-SCOOWEE.
Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 24 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

22
Wife's name Texana Wooley, Dawson, Ind. T.

District DELAWARE Year 1894 Page 374 No. 95

Citizen by blood Yes Mother's citizenship W. A. Dawson - C - A.
Melissa " " - " - "

Intermarried citizen No.

Married under what law Date of marriage Dec, 1894

License Filed SEP 2 1900 Certificate Filed SEP 24 1900

Names of Children:

Lewis Wooley Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Affidavit to be included.

FILED
NOV 20 1953
Clerk
COMMISSION OF THE FIVE
FILED
SEP 24 1958

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
Northern District. } ss.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 30 *day of* April *1898, at* ____ *M., and duly recorded in Book* ____, *Marriage Record, Page* 272

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 30 *day of* April *A.D. 1898.*

Jas. A. Winston *Clerk.*

By ____ *Deputy*

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 24 1900

FILED
NOV 30 1900

MARRIAGE LICENSE

United States of America,
INDIAN TERRITORY,
Northern District. } ss.

No. 1436

To Any Person Authorized by Law to Solemnize Marriage---Greeting:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. James Woolley, of Tulsa, in the Indian Territory, aged 29 years, and Miss Lizzie Dawson, of Tulsa, in the Indian Territory, aged 19 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Muscogee, Indian Territory, this 17 day of November, A.D. 1898.

Clerk of the U.S. Court.

By Deputy.

CERTIFICATE OF MARRIAGE.

United States of America,
INDIAN TERRITORY,
Northern District. } ss.

I, J. E. Murphy, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 27 day of Nov, A.D. 1898, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named

WITNESS my hand this 27 day of Nov, A.D. 1898 South McAlester I.T.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book 15, Page 75 South McAlester I.T.

J. E. Murphy
A Minister of the Gospel

NOTE—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued within sixty days from the date thereof or the party to whom the License was issued will be liable to the amount of One Hundred Dollars ($100.00)

COMMISSIONERS

HENRY L. DAWES
JAMES S. ROBB
THOMAS B. WILSON
A. [illegible]

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

[illegible]

Received of the Commission to the Five [illegible] Tribes one copy of the testimony in the matter of [illegible] for [illegible] as freedmen of the Cherokee Nation.

[illegible]

No. [illegible]

AFFIDAVIT

UNITED STATES OF AMERICA)

NORTHERN DISTRICT

)

)

NOTICE

)

oath state that on the day of A.D. mailed to

Indian Territory, a notice, a true copy of which is attached hereto and made a part hereof, that

attaches the receipt of the Postmaster at Indian Territory

and that on the day of or before the

card which is hereto attached, signed by the said

that he had received said notice.

Subscribed and sworn to before me this the day of A.D.

Notary Public.

Registered Letter

3578

Muske

C. D. 406

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of .....A. D. 190....

Given under my hand this..... day of.....A. D. 190....

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ..... day of ....., 190....

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190....

.....

Subscribed and sworn to before me this .....

.....
Notary Public.

D 406

FILED
MAR 15 1907

NOTICE!

IN THE MATTER OF the application of [illegible] for enrollment as Cherokee citizens

DOCKET NO. 4 66

To [illegible] Anna Woolsey Al, Al

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on [illegible], at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible].

W. W. Hastings

Attorneys for the Cherokee Nation.

To be filed with D. D. 378, Thomas A. Dawson et al.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., SEPTEMBER 17th, 1900.

IN THE MATTER OF THE APPLICATION of Francis Marion Dawson, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Brockbridge, testified as follows:

Q What is your full name? A Francis Marion Dawson.
Q What is your age? A I am fifty eight years old.
Q What is your Postoffice? A Decoma.
Q What District do you live in? A Delaware.
Q Who is it you want to have enrolled? A Myself and family.
Q Your wife? A Yes, sir.
Q How many children? A Six.
Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A No, sir; she is a white woman.
Q How long have you lived in the Cherokee Nation? A Since 1838.
Q Were you admitted by the Cherokee Commission? A Yes, sir.

The applicant presents a duly authenticated certificate of admission to citizenship, showing that on the 11th day of January, 1883, certain persons were admitted by the Commission on citizenship, and among them appears the name of F. M. Dawson.

Q That is your name in it? A Yes, sir.

This is recognized as satisfactory evidence of the facts stated.

Q Have you lived in the Cherokee Nation ever since your admission?
A Yes, sir; in Delaware District ever since.
Q Give to the name of your wife? A Katie Dawson.
Q How old is she now? A Forty five.
Q Was she admitted with you? A No, sir.
Q Have you married her according to Cherokee law since your admission? A No, sir.
Q You have not remarried since your admission? A No, sir; it was not necessary.

The applicant presents a duly authenticated marriage license and certificate, showing that he was married to his wife, as stated by him, in 1880, by the Reverend H. W. Goudelock, in Carrol County, Arkansas, the license being issued by the Clerk of that County.

These papers are filed herewith.

Q Your wife was not admitted by the Cherokee Commission, when you were? A No, sir.
Q Or at any other time? A No, sir.
Q By act of the Commission or Council? A No, sir: she was placed on the roll.
Q On the coherm roll? A Yes, sir.
Q Give to the names of your children, please? A Lula.
Q How old? A Seventeen.
Q Next child? A Ray.
Q How old? A Fifteen.
Q Next child? A Jerdie Jane.
Q How old? A Fourte n.
Q Next child? A Jacob Levy.
How old? A Ten.
Q Next child? A Hugh A.
Q How old? A He is eight I believe.

Q Next child? A Laura.
Q How old is that child? A She is four years old.
Q Is that all? A Yes, sir; six of them. I have others, but they are not at home.
Q Are they married? A No, sir.
Q Are they over age? A Yes, sir.

1896 Roll, Page 461, #902, Francis Marion Dawson, Delaware.
1896 Roll, Page 559, #155, Katie Dawson, Delaware District.
1896 Roll, Page 461, #903, Lula Dawson, " "
1896 Roll, Page 461, #904, Ray Dawson, " "
1896 Roll, Page 461, #905, Jesse James Dawson, Delaware Dist.
1896 Roll, Page 461, #906, Jacob Levy Dawson, " "
1896 Roll, Page 461, #907, Hugh A. Densmore Dawson, " "
1896 Roll, Page 461, #908, Edgar Albertie Dawson, " "

Q Is this Lula or Lulu? A Lulu.

The applicant applies for the enrollment of himself, wife and six children.

Q Were these children all born since you were admitted into the Cherokee Nation? A Yes, sir.

The applicant is shown by the certificate of admission, cited in the testimony, to have been admitted to Cherokee citizenship, by the Commission on Citizenship, January 11th, 1883; he is identified on the roll of 1896, but the representatives of the Cherokee Nation desires to make inquiry into the methods of that time, and for that reason, the application of the applicant will at present be placed on a "Doubtful Card." He has lived in the Cherokee Nation ever since his admission to citizenship. His wife was married to him under United States law, and was married prior to his admission; she has never been remarried according to Cherokee law: She has lived with him ever since his admission to citizenship, and she is identified on the roll of 1896. The application for her enrollment will be placed on a "Doubtful Card".

Their six children, as enumerated in the testimony are identified on the roll of 1896. They are living at this time, all having been born since his admission (Applicant's). These children will be placed with him on a "Doubtful Card". The applicant's marriage to the mother of these children is established by the marriage license and certificate filed herewith. If any additional papers, adverse are developed in this case, he will be given timely notice thereof.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Cravens.

Subscribed and sworn to before me
this 18th day of September, 1906.

(Signed) C. R. Brookinridge,

Commissioner.

BEFORE THE MONTRAPER COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment :
of F. M. Dawson and others as :
Cherokee citizens. :

Depositions of sundry persons in behalf of the applicants for enrollment mentioned in the title, taken before me, Louis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, at the office of C. B. Denison in the Gray-Halsell building in the town of Vinita, Indian Territory, on Thursday the fourth day of October 1900, between the hours of one and a half o'clock and six o'clock in the afternoon of said day, in accordance with the agreement to take testimony, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

F. F. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY C. B. DENISON:

Q State your name, age, residence and occupation?
A F. F. Thompson, 63 years old, I live near Vinita, Cherokee Nation, I. T. I am a farmer.
Q How long have resided in the Cherokee Nation? A All my life.
Q Are you a citizen of the Cherokee Nation as now constituted?
A Yes, sir.
Q Upon what is that citizenship based, blood or otherwise?
A Blood.
Q What, if any official position have you held in the Cherokee Nation, and at what time?
A I was elected to the Cherokee Council in 1870 some odd, I don't remember the exact year, I was also on the Commission Court.
Q Do you remember when that was? A Some time in 1870 or 1871, I think, it may have been earlier.
Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.
Q State, if you remember, how many members of that Commission or Court, there were, and who they were besides yourself?
A There were three, Tehee, Wolf and myself, Tehee was President of the Court.
Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.
Q Did you have a Clerk? A Yes, sir.
Q Do you remember who that was? A D. W. C. Duncan.
Q Do you know whether the members of that Commission beside yourself, are living or dead? A Yes, sir, they are both dead.
Q Can you recollect now what period of time that Commission lasted?
A About two years I think, two, sessions, and there was one session each year.
Q Were the sessions of that body held in Tahlequah, open to the public at all times when it was in session?
A Yes, sir.
Q Were the cases coming before that body heard in open session?
A Yes.
Q Witnesses examined orally? A Yes, sir.

Q Judgments of the Court or Commission pronounced in open session?
A In case of decisions I think they sometimes had secret sessions, yes, the judgments of the Commission were pronounced openly.
Q What you intended to convey by you answer to the former question was that after hearing the proof the Commission or Court deliberated in secret session upon the testimony taken before reaching a decision or announcing it? A After hearing all the testimony we went into secret session.
Q I will present you with a paper which the Notary will mark exhibit "A" and a copy of which he will attach to your deposition, and will ask you if with the exception of the certificate of record by M. L. Bragdon, Clerk, and John L. Adair Asst. Ex. Secretary, you recognize it as a paper you have ever seen before?
A I recognize the signature to it, but don't remember the instrument.
Q Which signature on that paper do you recognize? A My own.
Q That signature is in your own handwriting? A Yes, sir.
Q Do you know whether Thomas Tehee, President of the Commission could write in English or not? A No, I don't think he could.
Q How as to Alexander Wolfe, a member of the Commission?
A I don't think he could write either, I don't think either of them ever wrote except by touching the pen.
Q Were you, and are you familiar with the handwriting of D. W. C. Duncan, the Clerk of that Commission?
A Tolerably well, but it has been a long time since I saw any of it.
Q Will you look at the paper again and say whether you recognize his signature attached thereto?
A Yes, that is his signature to the best of my knowledge.
Q Do you preserve any personal recollection of the application before that Commission of F. M. Dawson and other members of the Dawson family, to be admitted as citizens of he Cherokee Nation by that Commission?
A I remember F. M. Dawson and his brother, that is about the only ones I remember.
Q The question was not as to the personal recollection of the individuals, but as to the claim being presented by the Dawsons for admission?
A Yes, there was such a claim before the Commission.
Q Can you state as to the citizenship of Thomas Tehee, whether he was a citizen of the Nation by blood or not?
A Yes, sir, he was always recognized as such, full blood besides.
Q What is your knowledge of Alexander Wolfe?
A About the same, he was also a full blood and recognized as a Cherokee.
Q Judge Thompson, if you possessed or had, or have now any knowledge of any corruption or bribery of the court or Commission, or any member of it by F. M. Dawson or any of the Dawson family or anybody connected with the presentation of their claim for citizenship, state it fully?
A None whatever as far as I was concerned, and I don't think there was by the balance of the Court.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q Do you mean to say Mr. Thompson that your name attached to the certificate shown you is in your handwriting?
A Yes, sir.
Q When Mr. Duncan certified that this is a transcript of the decision in the case, he is mistaken, that is the original?
A No. I don't know, that may be the original, if that is not the original I did not sign it, if it is the original I signed it.
Q You state that the witnesses were examined orally before the Court, do you know that in almost every case it took ex parte

affidavits of witnesses when those witnesses were not present?
A I think we ruled exparte evidence out, as well as I remember.
Q Did you have any stenographer or anybody to copy the evidence?
Mr. Duncan did all of the copying.
Q Was the evidence copied and preserved?
A Yes, sir, I think it was.
Q What was done with that evidence, where was any of it ever put?
A I suppose it is at Tahlequah in the office of the treasurer or Secretary.
Q When you went into secret session did you have Mr. Duncan read that evidence to you?
A Yes, sir, we went over the evidence thoroughly.
Q Did you allow the applicants or their attorneys admission to any of your secret sessions?
No, sir.
Q When you got ready to render your decisions did you then send for the applicants or their attorneys?
A No, sir.
Q And you rendered them in secret also, did you? A Yes, sir.
Q Have you any recollection who testified in the Dawson case, as to their claim? A No, sir, I have not.
Q Have you any recollection as to who they claimed their Cherokee ancestors were? A Yes, sir, they claimed the Rogers.
Q Did they claim relationship with any of the present families of Rogers residing in the Cherokee Nation?

The applicant objects to this question as tending to elicit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.

A I don't know that they did, particularly.
Q How would your court determine when they claimed descent through some Rogers family, that that family was of Cherokee blood?

The applicant objects to the question upon the same grounds as their objection to the previous question.

A By the evidence they produced.
Q Didn't you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were citizens thereof? A Yes.
Q Who was the attorney for the Dawsons? A Old man Houston Benge.
Q Could either Tehee or Wolfe speak English? A They could understand, but they never spoke English, they had an interpreter.
Q Did you ever talk to either of them as to whether they got anything for decidingthis case? A No, sir.
Q How long were you considering the case altogether?
A I could not say as to that, I think we were on it two or three weeks anyhow, I could not say positively now, they were a long time getting in testimony.
Q There were only two or three witnesses examined all told, were there not?
A I think so, three I think, they had quite a lot of affidavits, but we did not consider them.
Q Well the Court was a good while arriving at its conclusion after the evidence was closed?
A Yes, quite a good while, I don't remember the exact time.

RE-DIRECT EXAMINATION:

Q Do you remember who the interpreter the Commission had during the hearing of the Dawson case.
A His name was Reese, I forget his given name.

Q Do you know whether he is living or dead?
A I don't know, he seemed to be in bad health at the time we had the case up, I think they are all dead but we and Mr. Duncan.
Q What was he, a Cherokee by blood?
A He was considered a Cherokee by blood.
Q Do you know where he lived at that time?
A No, sir, he lived in the South part of the Nation though, I think in Sequoyeh.

(Signed) T. F. Thompson.

Copy of Ex. "A" to T. F. Thompson's testimony.

CERTIFICATE OF RECORD.

United States of America,
Indian Territory,
Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, hereby certify that the instrument hereto attached was filed for record in my office the 9 day of March, A. D. 1893, at 10-30 o'clock A. M. and duly recorded in book C. Misl Record Mortg. & Liens, page 330,

Witness my hand and seal of said court at Muscogee, in said Territory this 16 day of March, A. D. 1893.

(SEAL) M. L. Bragdon,

Clerk.

Transcript to which this is attached, endorsed on back as follows:

"No. 108, Robt. Dawson et al, VS the Cheroke Nation, Transcript of Judgment, Filed Mar. 9, 1893 10-30 A. M. Marshall L. Bragdon, Clerk.,

OFFICE OF COMMISSION ON CITIZENSHIP,
TAHLEQUAH, CHEROKEE NATION, JANUARY 11th, 1883.

No. 108

Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, Rial Dawson,

VS,

The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1883, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship, that the claimants, Robt Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, and Rial Dawson, are Cherokees by blood; and that they are entitled to all the rights and privilages of Cherokee citizenship within the Cherokee Nation, and that they should be, and they should be, and they are hereby

admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. W. C. Duncan, Clerk of Commission. } Thomas Tehee, President of Com. Alex Wolf, T. F. Thompson, } Commissioners.

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears of the record in my office.

D. W. C. Duncan,
Clerk of Commission.

January 11th, 1883.

Executive Department,
Tahlequah, Cherokee Nation,

January 11th, 1883,

I hereby certify that the within named Commission on Citizenship, composed of Thomas Tehee, President, Alex Wolf and T. F. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and Commissioned Commission on Citizenship, and that their actions as such are legal and binding.

Witness my hand the

Witness my hand and the seal of the Cherokee Nation, on the date above written.

John L. Adair,
Asst. Ex. Secretary.

United States of America,
Indian Territory,
Northern District,

I, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. F. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. F. Thompson, L. T. M. - N. P. Oct. 4, 1900." The foregoing copy having been carefully compared by me with the said original.

Given under my hand and seal of office as such Notary Public, this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.

My commission expires Feb 3rd, 1902.,

D. W. C. Duncan being produced by the applicants after being sworn to testify to the truth, the whole truth and nothing but the truth testified as follows:

DIRECT EXAMINATION BY C. B. DENISON:

Q Please state your name, age, residence and occupation?
A My name is D. W. C. Duncan, my age is 70 years, my residence is Vinita, Indian Territory, my occupation is a farmer.
Q How long has that been your place of residence? A Since 1874.
Q Are you a member of the Cherokee Nation as it is now constituted?
A Yes, sir.
Q Upon what is your citizenship based, a Cherokee by blood?
A Yes, a Cherokee by blood.
Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?
A About that time I held the position of Clerk of the Citizenship Court or Commission.
Q If you remember the names of themembers of that Commission or Court, please give them?
A The President of the Commission was Tehee I believe, and a member by the name of Wolfe whose first name I do not recollect, and Mr. Thompson here.
Q T. F. Thompson?
A Yes.
Q Do you know whether those three members of that Commission were recognized citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?
A They were supposed to be citizens of the Cherokee Nation and their citizenship was based upon their blood.
Q Will you please look at the paper now handed you which the Notary has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will attach to Mr. Thompson's depositions, and state whether with the exception of the certificate of H. L. Bragdon, Clerk, and of John L. Adair Asst. Ex. Secretary, you recognize the paper as one you have ever seen before?
A Yes, I think I have seen this before.
Q When, and where, if you remember, did you first see that paper?
A This is a paper I drew up at the time I was acting as clerk of the said Citizenship Court.
Q Looking at its date, was it drawn at you at the time it bears date?
A To the best of my recollection it was drawn at the date specified.
Q Do you recognize the signature to the certificate attached to that paper?
A Yes, that is my signature.
Q State if you know, in whose handwriting the body of the paper is?
A It is in my handwriting.
Q And at that time you were Clerk of that Commission? A Yes.
Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and state if you can, by whom they were written?
A I think the first two is my handwriting, the last I recognize that as T. F. Thompson's.
Q Explain please, how you came to write the signatures of Thomas Tehee and Alex Wolfe to that paper?
A Thomas Tehee and Alex Wolfe were full bloods and could not write, and in their presence, and at their request I wrote their signatures.

Q Was that the usual manner of certifying to the action of the Commission to applicants as to the decision of their application for citizenship, where admitted?
A In all instances where it was necessary for the Court to sign a paper of any kind it was adopted by that Court for the Clerk to sign Teheo's and Wolf's names and T. F. Thompson to sign his own name.
Q You didn't catch exactly my idea, but perhaps that answered it, what I intended to call you attention to, was whether when applicants had been admitted to citizenship a paper of this kind now shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?
A My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was entered upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.
Q If you had any knowledge at the time the application of the Dawson family, F. M. and others whose names are mentioned in that paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. M. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?
A I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind is what has originated recently, since the enrollment business has been inaugurated.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q If as you certify, this paper was a transcript of the record, why did you have the judges sign it?
A I know no reason further than that was the practice at that time, the Members of the Court being present I presume it was thought it would be as good or better than the signature of the Clerk.
Q Examine that signature of Mr. Thompson, examine the first T in his name and the T in Teheo's name and see if it is not all your own handwriting?
A No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accidant.
Q How was the evidence taken in those cases?
A It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q Do you know whether that evidence is in existance or not?
A I do not, the last I saw of it was when I turned the records over to the Executive office at Tahlequah, and I have not seen it since.
Q You say you never heard any talk about this being an improper case until very recently?
A Well, that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can safely say that did not.

Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross-examination.

A They claimed their right of citizenship through a man by the name of Rogers, I don't recol ect his first name.
Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?
A I do.

(Signed) D. W. C. Duncan.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do certify that the foregoing depositions of T. F. Thompson and D. W. C. Duncan were taken before me at the time and place and in the action mentioned in the caption, and said T. F. Thompson and D. W. C. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence; the claimants being present in person and by their attorney C. B. Denison, and the Cherokee Nation being represented by W. T. Hutchings Esquire its attorney,.

Given under my hand this 4th day of October, A. D. 1900.
(SEAL) (Signed) Lewis T. Martin.

Notary Public.
My commission expires 2/3/1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1902.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation,. He being sworn and examined by the Commission, testified as follows:

Q What is your name? A Francis Marion Dawson.
Q How old are you? A Soon will be sixty years old.
Q What is your postoffice address? A Afton now, it used to be Oceuna.
Q What was the name of your wife? A My first wife was Julia Ann Howard.
Q She was a white woman? A Yes, sir.
Q When were you married to her? A I think it was the 8th of January, 1864.
Q Where were you living at that time? A In Arkansas.
Q Who married you? A A man by the name of Dave Sturdy.
Q Was he a preacher? A Yes, sir.
Q A Minister of the Gospel? A Yes, sir.
Q Did you and she live together as husband and wife up to the time of her death? A Yes, sir.
Q Did you have any children by her? A Yes, sir.
Q What are their names? A William R. Dawson.
Q The next one? A Francis Marion Dawson Jr.
Q The next one? A Johnnie.
Q The next child? A Elizabeth.
Q The next one? A Arizona Allred.
Q Those are all the children you had by your first wife? A Yes, sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Joseph R. Dawson.
Q How old are you? A I will be 51 the 18th day of June.
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes, sir.
Q How are you related to him? A Brother.
Q Did you know his former wife, Julia? A Yes, sir.
Q Is she living or dead? A She is dead.
Q Was she a Cherokee or white woman? A I couldn't say what; She they married in the states.
Q Do you know when he was married to her? A Yes, sir.
Q When was it? A About the close of the war.
Q Who married them? A Parson Sturdy.
Q Were you present when they were married? A Yes, sir.
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes, sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:
Q What is your name? A John K. Stevens.
Q How old are you? A 66 years old.
Q What is your postoffice address? A Afton.
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes, sir, as we call him, Mad Dawson.
Q How long have you known him? A My first acquaintance with him was in '61.
Q Did you know his first wife, Julia? A Yes, sir.

Q Do you know whether or not they were married? A Yes, sir, they were married.
Q Were you present at the marriage? A No, I wasn't present at the marriage.
Q Did you see them soon after their marriage? A Yes, sir.
Q Did you continue to know them for any length of time afterwards? I knowed them as long as they lived.
Q During the time you knew them did they live together as husband and wife? A Yes, sir.
Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following Cherokee cases:
Arizona Allred et al D-538, John Dawson, D-580, William R. Dawson D-581, Lizzie Dawson D-584 and Francis M. Dawson Jr. D-588.

—o—

I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) E. G. Rothenberger.

Supl.-C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 17, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS M. DAWSON, ET AL., as citizens of the Cherokee Nation:

The case having been set for final hearing March 17, 1902, the following proceedings are had:

APPEARANCES:
Mr. A. S. McKennon, of counsel for applicants;
Mr. W. T. Hutchings, of counsel for Cherokee Nation.

Mr. Hutchings: Comes now the Nation on the calling of this case and announces that it is ready for trial, provided permission is given to hereafter examine before the Commission, either at this place or Fort Gibson, the witness S. H. Benge, who has been regularly summoned to attend at this day and time but who is too sick to travel at this time and probably will be for some time to come. As evidence of a good faith of the Nation we hereby present an affidavit of the facts sought to be proven by the said Benge. If the applicant's counsel are willing to concede that the witness if present would testify to the facts herein set forth, the Nation is ready to proceed to trial without reservation of any kind. If they are not it desires to reserve this privilege of hereafter, either tomorrow or otherwise, this case being set for to-day and tomorrow, of examining before the Commission, or its authorized officer, this witness as above set forth.

Mr. McKennon: Applicants object to the introduction of the paper presented and do not admit that the witness, Samuel H. Benge if present would testify to the facts therein stated. They consent and desire that the testimony of said Benge be taken before the Commission at its office in Muskogee but not elsewhere, and protest against it being taken at any other place, with the understanding, however, that when taken we have opportunity to introduce any evidence we may desire in rebuttal.

Mr. Hutchings:
The Nation will pay all the expenses of the opposing Counsel, their client and Commission officers in taking the deposition at Fort Gibson.

Commissioner Breckinridge: The allegations of this witness are material in their character and are quite tangent. The Commission of its own volition would acquire information of that character if it knew of its existance anywhere. While the functions of the Commission, as well known are in many respects judicial, yet it is bodied with somewhat complex powers, such as Congress creates from time to time to do business of certain character, and it is ordered to make a correct roll, which is a duty largely independent of hearing simply what is brought before them; it must be the architect and constructor of that roll and if evidence is not brought before before the Commission it must go out and get it, to be uniform on that construction of the law. The Commission, therefore, desires this information independent of any counsel on either side both with respect to the applicant and to the Nation, and if this witness is

is not able to come one of the Commissioners will go to Fort Gibson and to his bed-side, or send a proper official, if necessary to take his testimony. The only matter to consider, therefore, is one of convenience with respect to getting this testimony. Now, I understand that this witness is an extreme sufferer from Bright's Disease he is an old man and he may never be able to get out of the house, and it may be an injustice to him to subject him to a trip here, and therefore it seems to me better that counsel for plaintiff submit to a form of taking a deposition or else accompany an official of this Commission over to Fort Gibson and let his testimony be taken there.

After consultation with the attorneys upon the two sides it is found to be agreeable that the parties start to Fort Gibson to-morrow morning at half past eight o'clock, and it is agreed then and directed with an official of the Commission with a stenographer leave from the office of the Commission for Fort Gibson at 8:30 to-morrow morning.

FRANCIS M. DAWSON, the applicant, re-called for additional cross-examination on part of the Cherokee Nation:

MR. HUTCHINGS:

Q What is your name? A Francis M. Dawson.
Q Where do you reside? A In Afton.
Q You have been examined in this case heretofore, have you?
A I don't know which case it is.
Q In your own case? A Yes, sir.
Q Are you the one that is commonly called Bud Dawson? A Yes, sir.
Q You made the original application in the Dawson family for admission to citizenship in the Cherokee Nation, didn't you? No, sir, my brother.
Q What was his name? A A. E. Dawson.
Q You and Robert Dawson and Elbert Dawson and others applied September 24, '81, about that time? A Yes, sir.
Q And you were admitted about the 11th of January '83? A Yes, sir.
Q There were other members of your family that applied and were admitted after that time? A Yes, sir.
Q Do you or not remember the evidence offered in theirs to substantiate their cases was the relationship between yourself and Robert and others and the evidence of your admission by the Tehlequah Court. In all the subsequent admissions I mean the only evidence offered was the fact that you and your brothers had been admitted before and that they were kin to you; that was the only evidence offered in any subsequent cases, wasn't it; so far as you know?
A That is afterwards?
Q Yes, afterwards? A I think there was some other evidence introduced.
Q Don't you know that there was never any evidence offered in any other case except evidence of Dr. Baker of Arkansas? A No, sir.
Q Who else? A Oliver Miller.
Q The late Oliver Miller; the records in this case have been somewhat destroyed and mutilated? A Oliver Miller died in 1881.
Q What was he, who was he? A He is no kin to me.
Q Well, what station in life did he occupy; was he a farmer?
A Yes, sir, farmer.
Q Were you present when he testified? A Yes, sir.
Q Were you present when Dr. Baker testified? A Yes, sir.

Q Have you a fair recollection of the testimony of those two men?
A No, not at all.
Q You don't read to you, Mr. Dawson? A No, sir, I don't read nor write; I can barely write my name.
Q Do you think you would remember the testimony of Dr. Baker if your mind was refreshed on it? A Part of it I think.
Q Were you present when you were admitted? A I was not in the room.
Q You were in Tahlequah at the time? A I was in the town of Tahlequah at the time.
Q I will read this paper to you and desire for you to say whether or not it was the testimony of Dr. Baker in your case:
(Affidavit of Dr. Arthur Baker read to witness, and asked to be copied in the record later.)
Q Is that the correct transcript of the testimony? A It has been so long ago, I could not say; a part of it is, I could not remember it all.
Q Does that state the facts as to the family history correctly so far as you know about it? A So far as I know.
Q Now, you were a son of what Dawson? A Robert Dawson.
Q How many children did Robert Dawson have, and give me their names?
A Elbert Dawson, the oldest; Lila, Jasper, Francis Marion-
Q That is yourself? A Yes, sir; Elizabeth Dawson, Josephine Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson, Edna Dawson, Mollie Dawson, Wilburn Dawson.
Q Thirteen? (No response.)
Q Now, Robert Dawson's father was whom? A Sam Dawson.
Q Who was Sam Dawson's wife, your grandmother? A I have been told.
Q By family history is all you know? A She was called Polly Dawson.
Q Who was Anna Pruitt? A I don't know.
Q Never heard of anybody in the family by the name of Anna Pruitt? A No, sir, that was away back in the old country; I have heard talk about it, old Dr. Baker talked about it.
Q Your grand-mother's name was Polly Dawson? A Yes, sir; I don't remember seeing her but once, she died when I was small, died in Texas.
Q Pollie Dawson? A Yes, sir.
Q And she was known to be Pollie Rogers, her maiden name? A Yes, sir.
Q Daughter of Captain John Rogers? A Yes, sir.
Q Now, she died in Texas what time? A I don't remember.
Q Can't you guess at it? A Oh, I could guess.
Q Give your best recollection? A About '58 or '59, or no, '48 or '49; I don't say positive, just guessing at it.
Q How old a boy were you then? A I was born in '42.
Q Have you any distinct recollection of her? A No, sir.
Q Have you any recollection of all the children of Sam and Pollie Dawson; that is, your father, uncles and Aunts? I didn't see all of them.
Q Do you know by family history the names of all of them? A Yes, sir.
Q Will you give them to me?
A Betsy Ann Dawson, I believe her name was.
Q Did she marry a Petty? A Yes, sir; the next is Robert Dawson.
Q Your father? A Yes, sir.
Q Next one? A I think the next was James Dawson, and I think the next one was a girl, Edna Dawson.
Q Did he have two daughters? A Yes, sir.
Q Full sir? A The next one was Joe Dawson; I never saw him; Milo Dawson,

Q That is Samuel R. Dawson, Riley Dawson? A Yes, sir.
Q Any other one? A That is all I know anything about.
Q Did he have any child by the name of John? A Yes, Jack.
Q Didn't you get Jack mixed with Joe? A No, it was Joe; I have heard my father speak of him.
Q Then they have seven children? A I never saw them all.
Q How many of them did you ever see? A I saw uncle Riley Dawson and James Dawson and Jack Dawson and Betsy Ann Petty; I don't think I saw but one of Pa's sisters and brother, they went to Mississippi I think.
Q Do you know that your family history says that the mother of your grandmother, Sallie Rogers' name was? A We have no history.
Q Well, as it was brought down to you; did you ever hear anybody say what your great grandmother's name was? A No, I don't remember.
Q What is that other man, Oliver Millerthat testified in your case? A He testified in James Dawson's case; he never testified in my father's case.
Q Well, didn't anybody testify in your case but Dr. Baker?
A Yes, sir, several other witnesses.
Q Who were they? A I don't remember; my mother got them witnesses around Tahlequah, old people.
Q Were you present? A No, sir.
Q You were only present when Dr. Baker testified? A Yes, sir.
Q Now, do you find any mistakes in Dr. Baker's statement there? A I could not say all of that was correct or not, part of it is correct.
Q What part is correct? A Why about knowing the family over there.
Q Who is Buck Dawson? A My brother.
Q What is his name? A We always called him Buck, it is Elbert, E. Dawson.
Q Who went with you the first time you went up to make application for citizenship do you remember? A With my brother.
Q The first time? A I met my brother in Texas.
Q Which one? A E. Dawson.
Q That is Elbert or Buck? A Yes, sir.
Q You were living in Arkansas? A Yes, sir.
Q And he was living in Texas? A Yes, sir, and another one of little brothers, Dr. Dawson now:
Q Dr. Dawson now? A Yes, sir.
Q What is his name? A James.
Q And you three went there? A Yes, sir.

Mr. McKennon: Applicants by their counsel object to all the statement of the witness relating to the testimony introduced before the Cherokee Citizenship Commission, and the history of the family as detailed by him, because the same is incompetent and irrelevant, and cannot be used for the purpose of impeaching the integrity of the judgment of said Commission, or either of the Commissioners in admitting members of the Dawson family.

Commission: The objection of the Attorney for the applicants to the testimony above will be noted. The same will be filed and noted for what it is worth.

(Attorney for applicants waives examination.)

C. H. TAYLOR, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A C. M. Taylor.
Q Where do you reside, Mr. Taylor? A Up near Coffeyville.
Q Were you an attorney before various citizenship Courts along in '81 to '83 in the Cherokee Nation at Tahlequah? A Yes, sir.
Q Were you attorney for F. H. Duncan commonly known as Bud Dawson? A Yes, sir.
Q Were you present at the taking of testimony in that case? A No, sir; I wasn't present.
Q Do you know the committee the court that decided the case at that time? A Yes, sir.
Q Who were they? A Tom Tehee and Alex Wolfe and Terry Thompson.
Q Do you know whether or not they were all there when the case was decided? A No, sir, there were only two of them present.
Q Which two? A Tehee and Wolfe.
Q Who was the Clerk of the Court at that time? A Mr. Duncan, D. W. C. Duncan.
Q Do you know what witnesses were used in the case of Bud Dawson? A No, sir; now I was the attorney in the case and the evidence had already been filed before the Court.
Q When were you made attorney? A I was only called in as an attorney at the— Well, Mr. Duncan came down there, and Mr. Bryant had the case and several other attorneys had the case and he employed me.
Q Did you read the evidence in this case? A No, sir.
Q Did you deliver any money? A Now, I was the attorney in the case and I don't think it would be right for me to make any statement.
Q Now, you have claimed your privilege, I ask that you answer the question? Did Dawson ever send you any money with the direction to pay it to either member of the Court or the Clerk of the Court, D. W. C. Duncan, and if so state the amount? A I had a heap of trouble over this matter.-

Corrigan: Just answer the question, Mr. Taylor.

A Being the attorney I don't believe it is right for me to answer that question.

Corrigan: Do you refuse to answer? A Yes, sir.

Q Did the matter to which you object to testifying occur prior to the rendition of the decision admitting to citizenship or afterwards? (No response)

COMMISSIONER BRECKINRIDGE:

Q Do you desire to reply to the last question? A I don't think it is right; I was attorney in the case.
Q Mr. Taylor, do you object to answering that question? A Yes, sir.
Q You refuse to answer that question, do you? A I had rather not answer it.

Q Either answer it or say you won't answer it? A I had rather not answer it.
Q Mr. Taylor, you have answered a number of questions down to this point, but it is at this point that you prefer to plead your privileges, as an attorney, do you? A Yes, sir.

Com'r Breckinridge: The power in regard to these matters is lodged in the United States. The Court is clothed with special power with reference to matters with arise through this Commission. Of course the Commission desires and the Government needs for the making of a correct roll the fullest information possible, but it is subject to the limitation of law, and it is not for this Commission to decide of the law in a matter of this character with any authority as I understand it at this time, but to report the matter to the United States Court and let the Court pass judgment.

Under Section 21 of the Curtis law as it is commonly called Act of June 331698, the members of the Commission shall in performing all duties required of them by law, have authority to administer oaths, examine witnesses and send for papers and persons, and the court is clothed with authority to enforce obedience. The law having enumerated certain powers goes on to say so far as all others are concerned to enable said Commission to make rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work. Now, the Commission will report the facts to the United States Court and let the Court decide whether or not you are within your lawful privilege. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what what is commonly considered a matter of privilege--according to an authority referred to by an attorney, but the enforcement of an answer seems clearly to be a matter for the Court to deal with.

Q Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct that you make answer, and if you refuse I shall report the matter to the United States Court; do you refuse? A Yes, sir.
Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer; viz: as to whether Mr. Dawson sent you money to pay to the Court or to any officials of the Court, it seems to come to the question as to whether there was any collusion between you and Mr. Dawson and any member of the Court; now, I understand that you refuse to answer that question upon the grounds that you were Mr. Dawson's attorney? A Yes, sir.
Q Now, I require that you answer that question, do you refuse?
A Yes, sir.
Q I shall also report that refusal to the United States Court as it seems to come under the provision of law, relating to conspiracy between you and Mr. Dawson which apparently considered a privilege matter, and you base your refusal now, not upon the ground that you are incriminating yourself, but that you were counsel for Mr. Dawson. I will report the matter to the Court and you will be informed at the time of any proceedings in the matter I cmution you not to talk with Mr. Dawson or any of the applicants in this case.

Mr. McKennon: Applicants do not object and have not objected to the witness answering on account of his privilege as an attorney or for any other cause whatever, they only want to object to the incompetence and irrelevancy of the testimony, with the privilege of cross-examining upon any testimony given by the witness.

COMM'R BRECKINRIDGE:
Q You still refuse having the consent of the attorneys in the case to make answer? A I will just ask your Honor to let the matter go over until morning.

Commissioner Breckinridge: It will rest until in the morning at its present status; it is other business now.

As for the objection made by Captain McKennon, Counsel for the applicant, it will be taken into consideration, but will not be granted at the present.
(The Commission adjourns until 1:00 P. M. to-morrow afternoon, March 13, 1900.)

Supl.-C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., March 18, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS M. DAWSON ET AL., as citizens of the Cherokee Nation:

Appearances:
Mr. A. S. McKennon, of Counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

SAMUEL H. BENGE, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Samuel H. Benge.
Q Where do you reside? A Fort Gibson.
Q How old are you? A I am 70 years old, going in 71.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; Cherokee by blood.
Q State what official position you have held in the Cherokee Nation and what your general connection with the Nation officially in the last 40 years? A Well, I had several; I have been Sheriff, Councilman, Senator, Delegate to Washington; had a hand in making the treaty of 1866, I am the only one living that signed that treaty; President of the National Council of different tribes of Indians.
Q Were you acquainted with F. M. Dawson, commonly called Bud Dawson? A Yes, sir; I knew him.
Q State you connection with and what you know about his citizenship case before what is known as the Thomas Tehee Citizenship Court? A Mr. Dawson come down, I was living down below here, he come and employed me to tend to his case and we went to Tahlequah, I believe if I ain't mistaken in 1901 and filed his case there; we went several times and continued his case on for the want of evidence, and finally while we was up there we run across one old darkey by the name of Tosh Rogers; we got his testimony and after we got that testimony we concluded that it was sufficient to go into the trial with. Tosh lived here at Fort Gibson, he was a horse trainer down here and stayed here; he claimed that he knew the Rogers and belonged to one of them and after that we thought we had sufficient evidence we submitted our case to the Court for trial, and the Court went to work and rendered a decision against Mr. Dawson. I told Mr. Dawson right there that "our cake is dough", just made that remark, and he just made the remark "never mind", and next morning they taken up his case again and they rendered a decision in his favor. I filed no motion nor any evidence at all whatever; I give the case up right there and the decision was then given in his favor, and on our way back from Tahlequah, why we got to talking about the case and I told him: "it was a pretty hard blow when they rendered that decision against us." He said: "yes, but Duncan was the man to reach", but he reached him with five hundred dollars.
Q What position did Duncan occupy? A He was Clerk of the Court.
Q Duncan an educated man or—? A Yes, sir; he was an educated man.
Q Who were the members of the Court? A Tom Tehee, Alex Wolfe and Tom Thompson.
Q How many of those could speak English at all? A One.
Q Which one? A Thompson.
Q Who was the Attorney that represented the Nation in those cases?
A Ivy Sanders.

Q What was his given name? A Wilson Sanders; was it Wilson Sanders?
A Wilson Sanders.
Q Was he an educated man, or could speak English well? A No, sir.
Q Did Mr. Dawson say anything about the matters having cost him a good deal of money? A He said it had cost him a right smart.
Q Was any remark made on the way back about the opening up of the case, and if so, what? A He asked me if I thought the case was ever investigated eventually and I told him I didn't know.

MR. McKENNON:

Q Were you ever a witness in the Dawson case, Judge, in any of those investigations that have been made since that time? A I don't know that you might call it a witness; that young man came to me once at Tahlequah, and asked me to help him up there that the case was going against him, him and his mother and all was about knocked out and I interceded and done what I could there before the Committee. I was not a witness but that is what I don't for him.
Q That was Mr. Graham, wasn't it? A Yes, sir.
Q Have you had conversations with Mr. Graham since that time about it? A Now, I might, I don't recollect, I might have had conversations with him.
Q Well, after the Dawes Commission began taking a census of the Cherokees and when they were about Sallisaw down here, did you have a conversation with him here in Fort Gibson about the matter? A Now, I just can't tell you; I have seen him on several occasions, but the conversations we might have had I can't state.
Q To refresh your memory I will ask you if he did not tell you that they were making a fight on the Dawson family and he wanted to know of you whether that judgment in favor of Robert Dawson's family was fairly rendered, and did you not then tell him that it was all right, that it was fairly obtained? A Not as I recollect of; all he was; that is as I have stated he talked to me in regard to his mother, himself and probably his brothers and sisters, I don't recollect how many there were, but he told me they were rejected, that is just the words he used.
Q When? A It has been sometime ago.
Q Here in Fort Gibson? A Well, that is I saw him here in Fort Gibson, sometimes I saw him in Tahlequah.
Q Well, did he here in Fort Gibson ask you particularly about the Robert Dawson judgment, as to whether it was fairly obtained or not? A No, sir; he was taking his claim on the Dawson case, that is the way he--
Q Was he the principal Dawson family? A Yes.
Q When was this other written statement here made, when was this made by you? (referring to affidavit heretofore referred to.)
A Yesterday I reckon.
Q Who came to take this? A Mr. Starr.
Q Who else was present when this was taken? A No, sir.
Q What had you told about this matter, Judge? A No one as I know of.
Q Do you know how it was that they knew that you knew this?
A No, sir.
Q You never made any statement? A Never made any statement that I recollect of except I might have talked with Scales, he and him talked about these cases a good many times; if I ever made a statement it was to Joe Ab Scales.
Q How did Mr. Starr know? A I could not tell you how Mr. Starr knew.

Q He came alone here as a Notary Public? A He came alone here as a Notary Public. All he said when he came, he says "we understand that you know something in regard to these cases"; I said " what case," and he went to work and named Shoemake case and Dawson case.
Q And thereupon you made this tatement? A He said he wanted to qualify me.
Q Are you certain Judge that after the rendition of that judgment Mr. Dawson came back here to Fort Gibson with you?
A Yes, sir; we was together.
Q Let me ask you if it was not a very cold day when he came here and he went over ahead of you and you went over to Tahlequah the next day or two after he left? A My recollection was he and I went together.
Q And returned here together? A Yes, sir.
Q Did he not leave you there and go back direct to Arkansas?
A No, sir, we came here together. If my memory serves me right, I might be mistaken but then I don't believe I am, he came from Webbers Falls up here to my house, that is according to his statement.
Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.
Q How didthey pay you? A Paid me the money.
Q Who paid it to you? A Dawson there and that fellow, young fellow paid me some.
Q Mr. Graham? A Yes.
Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.
Q I will ask you if Mr. F. M. Dawson here did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you $50 that they paid you? A No, if I ever got a letter of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over i Arkansas, but not living down in Texas, I don't know about it.
Q Where did he pay you the money? A Paid it here at home.
Q Before you went out? A He paid me fifty dollars before we went up and when we went up yonder he paid me fifty dollars more; if you want to know what I got, I got one hundredn dollars.
Q You were acting as his attorney in the case? A Yes, sir.
Q How many judges were there present when the judgment was rendered?
A In his case?
Q Yes, sir. A Well, according to my recollect there was all there, but if they were not all there, Tom Thompson was sick. Tehee and Wolfe.
Q Don't you remember that they were all present? A No, I think they were present though.
Q Who else was present at the time? A Oh, I could not tell you, there were several people in the house; could not tell you at all.
Q Were there several in the house the evening before the judgment was rendered against them as you say? A Yes, there were several in the house.
Q And several in the house when the judgment was rendered the next day? A I don't know how many there was.
Q Do you remember the names of any of them? A Why not exactly, mostly full bloods.
Q How long didyou remain out at Tahlequah on that trip?
A I guess I was there about three days.

Q Tending to this case alone, or did you have other cases? A No, sir.
Q Do you know of your own knowledge that the judges received any money (this question asked at the instance of Mr. Graham present) A I don't know whether the judges received nay or not.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

March 18, 1902. Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. H. TAYLOR takes the stand and continues his testimony.
BY MR. HUTCHINGS:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today; have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held as in contempt of the Court.
Q You would be held in contempt and the other Court would make you answer? A That being he case of course I would make a statement.
Q Are you acquainted with D. W. C. Duncan, the Clerk of what is known as the Tehee Citizenship Commission Court? A Yes, sir.
Q Did you ever have any conversation with him about letting him know of the different character of cases that would come up before the Court that you knew of, whether they were good ones or bad ones? A No, the only thing that ever come up in that respect; he asked me if whatever large cases that would come up before the Court to let him know.
Q Did you have any talk with him about the Dawson case during the progress of its trial or before and ever introduced Mr. F. M. Dawson to him, or carry him to him? A I spoke to him when Mr. Dawson came to Tahlequah to see about his case, and he said that he would take the papers over to his room, the Dawson papers.
Q Did you see him again that night? A Yes, sir; after supper I went down to his room.
Q Did he ask you about the Dawsons or Dawson case? A He asked me where Dawson was.
Q Which Dawson are you referring to now, F. M. Dawson, known as Bud Dawson? A Bud Dawson.
Q Well, what didyou reply to him? A I told him that I thought he had gone to church.
Q Did you find Dawson after church? A Yes, sir, he told me to come and bring Dawson down and I did so; Dawson was in church.
Q You carried Dawson to him? A Yes, sir.

Q Did you remain during the conversation? A Only a minute.
Q What was said if anything while you were present? A Mr. Duncan spoke to Mr. Dawson and says "there is a hitch in your evidence." Q Go ahead and state what else he said? A He said "if that was straightened out it would be all right," and I turned and went away, I says, "gentlemen, I will go home."
Q Did you know of their having any other conversation or communication after that? A No, sir.
Q You left them there together yourself? A Yes, sir.
Q Did Mr. Dawson give you any directions the next morning about submitting the case? A Yes, sir, he asked me to call it up the case.
Q The next morning? A Yes, sir.
Q Had there been any additional evidence offered? A No, sir; there was not additional testimony offered.
Q He told you the next morning to call up the case? A Yes, sir.
Q Was it called up and submitted the next morning? A Yes, sir.
Q Now, how many of the members of the Court were there present that morning? A There were only two, two full-blood Indians.
Q Could they speak english at all? A Yes; could talk a little, both some.
Q Did that Court have open sessions all the time or what is called executive sessions sometimes? A Well, I don't remember about that; it was generally when the case was submitted the attorneys would go out. The parties would go out and they would determine the case.
Q Well, did they go out into that sort of executive session the next morning on the Dawson case? A Well, we went out when the case was submitted.
Q And was the decision rendered that morning in their favor?
A Yes, sir.
Q Who notified you of the decision of the Court? A Why, Mr. Dawson.
Q Do you remember whether he went out with you or was in there during the consideration of the case? A I think he went out with me.
Q Did you at any time thereafter receive any money, checks or other evidence money from Mr. Dawson with direction to turn it in part over to D. W. C. Duncan, the Clerk of that Court? A Mr. Dawson gave me 20 dollars and said he would send the balance in a short time. Said he would send some more money in a short time.
Q A If, did he send any money afterwards? A Yes, sir, in the course of ten days or two weeks he send a hundred dollar check, I think.
Q What did he direct you to do with it? A He directed me to give D. W. C. Duncan half of it.
Q Did you give him half of it? A Yes, sir.
Q Did he send you any at any other time after that? A Well, in the course of a couple of weeks he sent me a hundred dollars more.
Q Did he direct you to turn any of that and if so how much, to D. W. C. Duncan? A He told me to give him half of it,
Q And you give him half of it? A I did, sir.
Q Do you remember whether on Dr. Arthur Baker was the principal witness in behalf of the Dawson case? A No, sir, I don't because I never had any connection with the case, but I heard that he was a witness in the case.
Q No motion was made when you submitted the case? A No, sir.
Q You submitted it on the testimony? A Yes, sir.

MR. McKINNON:

Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Were you born and reared in the Cherokee Nation? A No, sir; I was born in the old Nation.

Q When did you come to the Cherokee Nation? A Come here in 1895.
Q How long have you been practicing law in the Cherokee Nation?
A I think since '88.
Q You have done a great deal of citizenship business haven't you?
A Yes, sir.
Q You were in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.
Q Were you convicted there? A Yes, sir; I was convicted there on this very case.
Q And served a term of what length? A I was sent to the jail hospital for sixty days and I stayed in about 38 or 39 days, and I was released.
Q When was that? A I don't remember how long ago it has been.
Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention; Clem Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.
Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the mail for fraudulent purposes.
Q Sending out propositions and obtaining case for citizenship for people [illegible] Cherokee Nation? A No, sir, it was for answering correspon[illegible].
Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went before the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.
Q Well, now, was the charge based upon that or was it based upon your letters you sent out to other people? A That was the charge for using the mail for fraudulent purposes.
Q The use of the mails for fraudulent purposes not in connection of this case was it? A Not particular of this case.
Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is what you mean to say? A Yes, sir.
Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.
Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.
Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.
Q Yet when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occured between you and your client, Bud Dawson, in relation to this matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.
Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he summoned me and I come down here and I didn't want to make a statement to him but he insisted.
Q He had no power to compel you to make a statement? A No, sir.
Q You could then make it very freely and your conscience did not hurt you, but when you came on the stand you were very conscientious about it? A I didn't want to make a statement at all unless I I would be put in jail here if I didn't.
Q But you had armed them with information by which they could ask you these questions when you came on the stand? A I had told Mr. Hastings.

Q You knew what you gave him that information that you would be brought on the stand as a witness, did you not, by reason of that? A No, I didn't know that I would be compelled to make a statement in the matter, a sworn statement.
Q You thought you would not be compelled to answer?
A I didn't think the law would compel me to make a statement.
Q Why then did you make a statement to him about it? A Oh, he was asking me about it, and I told him that I didn't want to make a statement, and I didn't for quite a while after I came down here.
Q When the enrollment division of the Dawes Commission was in Tahlequah, in the winter of 1900, did you not there meet F. M. Dawson and did you not then and there say to him "I told Shoemake I would be for him if he would employ me in his case and if he didn't I would be against him, and the same to you?" A No, sir; I said to him this: I says that if there is not something done that I will likely be summoned against you and Mr. Shoemake both.
Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it. I was going out of town just as he came in.
Q When you told him if something was not done you would be summoned as a witness against him; what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.
Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?
A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your client to you in one instance, but if a little more money was put up you could not be required to make a statement; is that what you mean? A I didn't think I could be forced to make a statement at all in the matter.
Q Why didyou make that expression to him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I meant if I was employed in the case.
Q If he would put up you would not testify? A That they could not force me to testify.
Q About the month of February, 1901, in the town of Wagoner, Indian Territory, did you not send your son to get Graham to come to the hotel at night, and did you not then and there say to Gid Graham; "you people are on the doubtful list and if you will give me $500. I will make it all right and see that you are enrolled and if you don't I will see that you don't get on"? A No, sir; I got a letter from Gid Graham in which he asked me to certify that the case was all right and after I met him I told him that I could not do it, that the case was crooked, he then said to me, he says, "I will give you a hundred dollars", he says "will you take a hundred dollars," I said "no, sir." I didn't make any bid, that is I didn't set no price with him.
Q You did not say to him then what I have embraced in that question there? A No, sir.
Q You did have a conversation with him about that time and at that place, did you not? A Yes, sir.
Q You say you didn't make any bid or set any price? A No, sir; he offered me a hundred dollars.
Q Why did you send for him to come to the hotel? A In answer to his letter.

A Did you not say yesterday morning on the street in Muskogee, Indian Territory, in a conversation with F. H. Shoemake say to him; "You have made a great mistake in not keeping in your employment and so have the Dawsons and it will go hard with you and you will see it"? No, sir; I says to Mr. Shoemake, I says: "Who have you employed in your case," and he says "Judge Thomas and Mr. Owen." I said "It might have been a advantage to you if you had retained me in your matter;" Well, he says "there was nothing wrong in my case" and I says "no, there is nothing wrong on earth in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I says "there is not a thing on earth wrong in your case as I know it come up fairly and squarely and decided in your favor."

Q You said nothing to him about the Dawson case? A Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am summoned on the part of the Nation and I don't want to make a statement and I want if I can possible avoid it."

Q Was that before or after you talked with Mr. Hastings, the representative of the Nation? A It was afterwards.

Q You meant by that if you had refused to answer you would have gone to jail? A No, sir; if they had employed me before hand I meant not now.

Q You mean that if they had employed you before hand you would not have given this information to Mr. Hastings? A I would not be required, being the attorney.

Q Were you required to give him the information; did you know that you had to give him any information? A Who do you mean.

Q Mr. Hastings. A I did refuse him and he insisted.

Q Well, he no authority to compel you to do it? A No, sir; I don't know whether he did or not.

Q As a lawyer you knew that he did not have authority to compel you to make a statement to him? A I told him tht I was an attorney in the case and I didn't want to make any statement at all.

Q Why did you do it? A Well, he intimated to me it would go any further. He said to me "I will not make this matter — I will not use it;" that is, what I stated to him was part in confidence.

Q And he pledged you his word that it would not be used? A Well, told him I could make a statement in confidence, and that I didn't want to make a statement before the Court.

Q Well, what did he reply, as you said just now? A Oh, he says make the statement and then I told him—I regretted very much to do it, and I regret very much to make a statement here. I tried to avoid it yesterday.

Q You stated just now that he said it would not be used; did he say that or not? A Well, something to that amount; oh, he says it wont make any difference or something to that effect.

Q Now, don't you know that Mr. Hastings did not intimate to you that the statement he was making you to make would not be used? A Well, I didn't think that I could be forced to make a qualified statement before the Court here, because I thought my license would protect me in that matter.

Q Yet it did not protect you or prevent you from making a statement to the attorneys for the Nation? A No, sir.

Q Now, in this conversation with Shoemake to which I before referred did you not ask him to again employ you and tell him if he would you would make it all right for him? A No, sir; I didn't say that; he, I said if he had employed me in the matter "maybe it would have been better for you." Now, he offered me when I was down here last week, he offered me five dollars to go down and talk with the lawyers on the matter, I didn't go I was busy.

Q That was not your price? A No, no, I had nothing to say in his case that would be to his advantage; I knew nothing against him.
Q Now, then, you say that your were present on the morning that the judgment was rendered in favor of the Dawsons? A I was not in the Court house.
Q You were present in Tahlequah? A Yes, sir.
Q How long had you been at Tahlequah? A I was living there at that time.
Q When were you first employed by them? A By Dawsons?
Q Yes, sir. A The evening before the case was tried.
Q You say that after the judgment was rendered Dawson handed you $20? A Yes, sir.
Q And told you to hand to Duncan? A No, sir.
Q What was your statement? A That he paid me $20 and says "I will send you some more in a short time, week or so.
Q And then he sent you $100? A Yes, sir.
Q And wrote you to give D. W. C. Duncan $50 of it? A Yes, sir.
Q And then sent you another $100 and told you to give him half of it? A Yes, sir.
Q How much did they pay you? A Well, that was the agreement, was that he would pay me $50 a family.
Q How much did he pay you? A I think there was $250: now I am not sure about the $50, but it appears to me like there was a $50 sent, and Mr. Duncan asked me, as well as I remember, says "have you got a letter from Dawson," I told him "yes, sir." It was either that or the $100, and he says "I would like to have some money", and I went to Stapler's and got it changed-- I won't be sure about it being $50 or $100--I went to Stapler's and got him to cash the check and give him his part of it.
Q How much did they pay you for your services? A That is all I got.
Q How much? A I think it was $100, $120.
Q What did you do for them? A Didn't do a thing only called up the case and submitted it; never read the evidence.
Q Submitted it without remarks? A Yes, sir.
Q And for that you say they paid you $120? A Yes, sir: $120.
Q Was Houston Benge present when that was done? A No, sir; I don't think he was.
Q Did you see him then at that time in Tahlequah? A I don't remember.
Q Were you associated with him in any manner in connection with the case? A No, sir.
Q You had a great deal of business of that character, have you before the Courts? A Yes, sir.
Q Were you paid like fees in other cases for like services? A Yes, sir.
Q In many of them? A Yes, sir, good many.
Q All like cases? A Oh, citizenship cases.
Q When was it you were in jail at Fort Smith? A I don't remember: Mr. Lollette can remember, he was there, he was my attorney.
Q Was it about 1883? A It was somewhere along there, along in 1890 somewhere.
Q That has been your principal business as a lawyer, has it not? A Yes, sir.
Q You have never practiced much in any other way have you? A Very little.
Q Were you in the habit of working your cases through in the same manner in which you state you worked this through? A No, sir.

Q This was an exception was it? A I never worked this case through. I simply called the case up by request of Mr. Dawson. I read the evidence; don't know what proof there was in it; he just asked me to call the case up.
Q And he agreed to pay you $50 a family for doing that? A Yes, sir.
Q Was that what you required of him? A That is what he agreed to pay. I says "What will you give?" He says "I will give you $50 a family.

MR. HUTCHINGS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoemake case didn't he? A Yes, sir.
Q And you told him at that time before you knew anything about whether you would be made or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemake case? A Yes, sir; that is what I said.
Q You told him at the same time that you not only expected to claim you privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKennon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strenthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.
Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.
Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.
Q And let the Court decide? A Yes, sir.

MR. McKENNON:

Q Now, have you a license to practice in the United States Courts? A Yes, sir.
Q In the Territory? A Yes, sir.
Q And also in the Indian Courts? A Yes, sir; do you want to see them?

JAMES W. LEWIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name please? A J. W. Lewis.
Q James W. Lewis? A Yes, sir.
Q Where is your postoffice, Mr. Lewis? A Afton.
Q How old are you? A 73 years old.
Q What is your business? A I work at the tin business and gun work.
Q Do you know one James Dawson, the brother of F. M. Dawson and the other Dawsons? A I know old man James Dawson.
Q That is the one I mean, old man James Dawson? A Yes, sir: I know him.
Q How long have you known him? A Well, some four or five years, I guess.
Q How long? A Four or five years I think.

Q When did you come to the country? A I have been in the country 70 odd years.
Q Well, when did he come to the country, do you know? A Along about somewhere in eighty if I recollect right, might have been later than that.
Q How did you happen to get acquainted with? A He lived right close by me and I built a house for him.
Q Did you have any conversation with him at the time you built that house? A Yes, several different times.
Q About how he became a citizen of the Cherokee Nation, about the circumstances? A Yes, sir.
Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?
A Well, he told me that it cost him $700 to get his rights.
Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

MR. McKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewheres near about 70 years old, he might have been older than that, I don't know.
Q He was a very old and feeble man? A Yes, he was old and feeble.
Q He seldom ever got out away from his house? A No, sir, only short distance.
Q When you first know him he was that kind of man? A Yes, sir.

J. L. CLINKENBEARD, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A J. L. Clinkenbeard.
Q What is your post office address? A Vinita.
Q How old are you? A 56.
Q Were you ever an applicant for citizenship before the Tahlee citizenship Court in Tahlequah? A Yes, sir.
Q About what time was that? A September '81, I think.
Q Did you meet there about that time, one Elbert or Buck Dawson?
A Yes, sir.
Q How did you happen to meet him? A He and I stopped at the same place, ran's by the name of Sharbow.
Q You and he stopped there, did you, board there? A Yes, sir.
Q Well, did you have any talk about citizenship cases, yours and his? A
A Yes, sir.
Q Where did he state that he was from? A Texas.
Q Well, state what you can remember of the conversation between you from time to time about citizenship in the Cherokee Nation?
A Well, we were there on the same business and we talked about it at different times, and in talking about the evidence we had there I, of course, told him how many witness I had and what I could prove and so on, and he said that he didn't have but one witness, Dr. Baker from Arkansas, a man that was 85 or 90 years old, he said, and he hadn't come and said he was to have met him there, but he hadn't come.
Q Well, what did he say about the doctor's knowing anything?
A Well, he said he was 85 or 90 years old and didn't know straight up.
Q Well, did he say anything about giving him whisky?
A Well, he said he could give him four drinks of Arkansas whiskey and he would swear that black was white.

Q Did he say anything about what money would do in Texas or Indian Territory? A Well, in talking about the evidence, he said that money was what made them go down in Texas and he said "I come to get the lay of the land" and he says "I found out it goes there," or words to that effect.
Q Did he say what he had to stand on the question? A Well, he said that he could stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.
Q What did he tell you what he thought about the necessity of witnesses anyhow? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.
Q Well, where did he go from there? A He and I left there together; he came to Muskogee by way of Fort Gibson and there we parted.
Q Did you ever see him after that? A I saw him about two years or something like that afterwards.
Q Where? A Vinita.
Q Did you refer to the citizenship matter? A I asked him how he come out and he said all right.
Q Was he deformed in any way this man? A He had a crippled hand or stiff finger; I don't remember just what it was now.

MR. McKENNON:

Q Your first conversation with him was in '81 was it? A Yes, sir.
Q What time in '81? A September.
Q You were then an applicant for citizenship? A Yes, sir.
Q Were you admitted? A No, sir.
Q You are still an applicant? A No, sir.
Q You are still working to get in as a citizen of the Cherokee Nation? A No, sir; haven't quit it entirely.
Q What business are you in now? A I am running a dairy in Vinita.
Q When did you make representations now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.
Q How did they ever know that you had had these conversations with Mr. Dawson? A I don't know.
Q You don't know how they found that out? A No, sir.
Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.
Q How, did you approach him or did he approach you? A He approached me.
Q You know why? A No, sir; I suppose somebody I have told something at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have saw Mr. Hastings for years.
Q Now, you say—how was that expression about his giving Dr. Baker three or four drinks of liquor? A He said the old man; he said that Dr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he did or not; he said he was 85 or 90 years old; he said he didn't know straight up; said he could give him three or four drinks of Arkansas whiskey and he would not know black or white.
Q Now, he said that did he? A Yes, sir.
Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.
Q You say you next saw Dawson at Vinita? A Yes, sir.
Q How long afterwards was that? A About two years, I think something near that.
Q Did he move to the Territory? A Yes, sir he lived at Vinita at one time.

Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I sent the others to the country.
Q Do you run a dairy wagon there? A No, sir.
Q You serve on the jury a good deal? A I have been serving on the Petit jury there this winter.
Q Generally? No, sir.
Q Are you a kind of a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel and served.

C. G. BRAUGHT, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A C. G. Braught.
Q What is your age? A 62 29th day of last January.
Q What is your post office? A Fairland.
Q How long have you been living in the neighborhood of Fairland?
A Been living there 19 years.
Q Do you know one Bud Dawson or F. M. Dawson as his name is?
A I do.
Q How long have you known him? A About 18 years.
Q How close do you live from him? A Half a mile of him.
Q Does he still own that place? A I think he does.
Q Were you an applicant for citizenship along about '81 or '2 at Tahlequah? A Yes, sir.
Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.
Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the time that you had these conversations as near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to put up; he said it cost him $700 to get in; he said he paid one witness three hundred dollars.
Q Did he state the name of that witness? A No, he did not.
Q Whom did he say he made arrangements with? A He said he made arrangements with the Court; that is, heads of families to get them in at one hundred dollars apiece.
Q Do you know what time of the year that was, whether it was in the summer or not? A I think it was in June.
Q Did he make any other statements to you at any other time?
A No, sir, I don't think he has in regards to that matter.
Q You have been living neighbors with him? A Yes, sir.

MR. McKENNON:

Q You say this was about June of '83? A I think it was in June, 1883, I won't be positive whether it was June or not.
Q You were an applicant; were you admitted? A No, sir.
Q Have you been admitted? A No, sir.
Q You are still an applicant? A Yes, sir.
Q Still trying to get in? A Yes, sir.
Q Where was this conversation had? A Had at Bud Dawson's house.
Q What part of the premises? that is, in his residence?
A Yes, sir.
Q In the house? A Yes, sir.
Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.
Q Was there more than one room? A I won't be positive but I don't think there was but one room, log house.
Q Just one room? A Yes, sir.

Q And in that room he made this statement to you? A Yes, sir.
Q He and you are enemies are you not? A No, I don't think we are enemies.
Q You are not friendly at all? A Friendly part of the time, and part of the time we ain't.
Q Haven't you had considerable trouble about he lands between your farms? A No, sir, we ain't had any trouble.
Q Didn't you have his little boy arrested recently for a difficulty? A Yes, sir.
Q And you say that you are not on bad terms with him? A Why we speak, have conversation, have right right along all the time.
Q Is it not a fact now that you and he have been all the while at outs? A No, sir.
Q You don't have any unkind feeling towards him? A No, sir.
Q What were your other remarks? A I said no, sir, I didn't have any unkind feeling towards him.

(It being 5 o'clock, the Commission adjourns until 8:30 o'clock to-morrow morning.)

March 19, 1903.
Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of Counsel for Applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. C. BRAUGH, re-called, further testified:

MR. McKENNON:

Q Mr. Braught, you were a claimant under the Watts family are you not? A Yes, sir.
(witness excused.)

CHARLES D. KENNEY, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Charles D. Kenney.
Q What is your post office? A Dawson now.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; supposed to be.
Q Recognized as such are you? A Yes, sir.
Q How old are you? A There is no family record, my parents died when I was young, I just guess at my age, I am somewheres between 44 and 45 years old.
Q Were you personally acquainted with one Elbert or Buck Dawson? A I knew Buck Dawson when I saw him.
Q Did you know him in the state of Texas, if so state what time? A I knew Buck Dawson, knew him and saw him at different dates in Texas.
Q Well, in the year '81 in Clay County, Texas, did you ever see him? A It was in '81 or 82, I think I knew him in both years.
Q Did you ever have any conversation with him in the presence of Bill Smith, Miles Flippin and Joe Preston about his application for citizenship in the Cherokee Nation? A Mr. Dawson and Flippins were talking in regard to grass down there before we one time and

it was mentioned, I was going up on the strip and Buck Dawson says "he an Indian" and Jiles said "yes, he is an Indian", and "By God," I believe is the way he spoke, "if I was an Indian I would not be punching cattle, I would have stock eating my grass."
Q What did he say about making application? A He said he was going to the Chickasaw Nation and prove up and get him some grass.
Q Who was that? A Buck Dawson.
Q Well, did anybody suggest about his going to the Cherokee Nation?
A Yes, sir, I told him, I says "why don't you go to the Cherokee Nation, why don't you go up home" I believe is the way I spoke it, "up amongst God's people;" and he says "are they all white like you?" and Jiles spoke up and says "majority of them."
Q Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow punchers, and Mr. Flippin says "Hell, I am going; brother John is getting ready to go now."
Q Well, then what did he say to you? A He says "Who are your best lawyers up there, Kenney," and I told him "Hooley Bell was counted the brainiest man in our country."
Q Well, do you know whether he claimed to have any Indian blood or what he was claiming in that country, whether white man or Indian?
A No, sir, I could not say what he was; he was generally known down there as Buck Dawson, a citizen of the State of Texas, that is all I know of him.

Mr. McKennon: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKennon:
Q Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Tulsa County, Texas. B. F. Alberty was my guardian.
Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date.
Q About what time? A It was sometime in '80 though.
Q What tribunal first? A I don't know; I don't know either when I was admitted, I was re-instated at Council.
Q When? A I think it was in '87 or '88.
Q Haven't you been arrested for crime and charged with crime?
A Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande.
Q For what offense? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road.
MR. HASTINGS, of Counsel for Cherokee Nation:
Q Were you ever convicted? A No, sir.

Mr. McKennon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. BABBART, being duly sworn, testified as follows on part of the Cherokee Nation:
L.F. HUTCHINGS:

Q State your name, please? A Thomas B. Babbart.
Q What is your post office? A Melvin.
Q What is your age? A 49.
Q Are you a Cherokee by blood? A Yes, sir.

Q Did you know one James Dawson? A Well, yes; I did; I have seen him time or two.
Q Were you in Tahlequah about the time he had an application before the Spears or Snake Puppy Citizenship Court? A Yes, sir; I was there about the time the case was settled.
Q Did you know Aaron Butler? A Yes, sir.
Q Who was he? A He was a Cherokee interpreter for the Court.
Q Do you know James Smith? A Yes, sir.
Q Who was he? A He was the Nation's attorney before the Court.
Q Well, did you about that time have a conversation with either Aaron Butler of Jim Smith in company with Mr. James Dawson? A Yes.
Q State the full particulars of it? A About that time this man Dawson and Butler come to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.
Q Well, did he say anything about whether he could get his case submitted if he had more money? A Well, from the language to me and Butler, he wanted this money; Smith had agreed to submit the case without further evidence in the matter.
Q Well, did you let him have the ten dollars? A Yes, sir.
Q Where did they go then? A They walked off up towards town.
Q Did they go together, those three? A Yes, sir.

MR. McKENNON:

Q Was that James Dawson, the leading applicant in that case?
A Yes, best of my recollection that was.
Q How old a man was he? A I don't know; I could not tell you; he looked, I don't know, he might have been--could not tell you just about how old he was.
Q Well, about how old was he, 25, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.
Q Is he living or dead? A I don't know.
Q Where have you been living? A I have been living down here near Tahlequah.
Q What was the man's name, Dawson's name? A Jim Dawson I think.
Q You are certain of that? A Yes, sir; I am pretty certain.
Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.
Q Dawson took you off to one side? A Butler took me to where Dawson was and introduced me to Dawson and vouched for Dawson being all right for the money.
Q When did you first make a statement of this matter to anybody?
A I guess--I don't remember when.
Q How long have you been in Muskogee this time?
A I have been here since, I was summoned here last Friday.
Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.
Q When? A Oh, about, first I remember it has been about two years ago, and Butler was talking to me about it; it was at my house.
Q Were you born a citizen? A Yes, sir.
Q You weren't admitted to citizenship by the Courts or Council?
A No, sir.
Q You have been living in the Cherokee Nation all your life?
A Well, I was born and raised here; I haven't been here all the time; I have been out and in.

Q You have never seen that man Dawson since? A If I have I have never known it, but I seen him the next day.
Q You saw him and took a good look at him, and know about what kind of man he was? I saw him around there about several times.
Q You think he was about 35 or 40 years old? A That would be my guess at it, my recollection.

Mr. McKennon: Applicants object to the testimony of this witness, all of it, because it is wholly incompetent and irrelevant.

DELIA A. BREWER, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your full name? A My husband's name was O. P. Brewer, but generally I sign my name Mrs. D. A. Brewer.
Q What was your full maiden name? A Delia A. Vann; well it was really Delilah but I never was called by that name, it was De altogether in my young days.
Q What was your father's name? A His name was Joseph Vann.
Q Was he called by any nicknames and if so how many, and what? A None but the Cherokees, the full-bloods called him Joe Aney.
Q What does that name mean when you talk English? A Rich Joe.
Q Did any of them call him Big Joe Vann? A I don't know; he was a large man; larger than the other Joe Vann.
Q There was another Joe Vann? A Yes, sir.
Q Did your father have any sisters and brothers? A He had quite a number of sisters.
Q Did he have a half sister? A Had two half brothers.
Q Did he have a half sister? A Had several half sisters.
Q Who did they marry? A Different persons; I knew the names of all of them but I have a bad memory, but I know that there was one, a Mrs. Ibbie Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.
Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.
Q Never had any Rogers kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.
Q The Dawson case was talked of here for many years, they claiming kin?
A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that my family was prominent enough that they never claimed kin.
Q They never claimed kin at all? A No, sir.
Q Did your father ever had a sister or half sister by the name of Annie, Anna or Alsey? A No, sir.

Mr. McKennon: Applicants object to all the testimony of this witness because it is incompetent and irrelevant.

SAMUEL TOLLIVER DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Samuel Tolliver Dawson.

Q What relationare you to the Dawsons? A Well, I am not acquainted with none of these Dawsons, I guess I am cousin, that is what he told me.
Q Who was your father? A Samuel Riley Dawson.
Q What did you say your father's name was? A Lile Dawson.
Q Do you know what his full name was? A Samuel Riley Dawson.
Q What children had your father? A Why, he has got, you mean his first children or his whole family?
Q I want all of his children? A I can't know, I will have to count a while on them, there was nine or ten of them.
Q Just one or two of them I care for; is Mrs. Lewis your sister?
A Yes, sir.
Q Your full sister? A Yes, sir.
Q Was she a daughter of S. R. Dawson, Jr.? A Yes, sir.
Q Now who were the parents of your father, , Samuel Dawson?
A Why Sam Dawson was his father.
Q Sam Dawson was his father? A Yes, sir.
Q What was Sam Dawson's wife, if you know their family history, what your father said or what your grandfather said? A I have heard that she was a Pruitt, my father said; of course I don't know.
Q What was her given name? A Annie.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q Saw him? A Yes, sir.
Q Do you know about how old he was when he died? A He was somewhere up about 90.
Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.
Q Was your father his youngest child? A Yes, sir.
Q Do you know about when your father was born? A Well, no, I don't, he died in '90 and he was 67 years old.
Q He died in about '90 and was about 67 years old when he died?
A Yes, sir.
Q And he was the youngest child? A Yes, sir.
Q Now, do you know how many children your grandfather had , that is brothers and sisters of your father? A I heard him say seven.
Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?
A Well, I heard my father speak about it, I don't know that I ever heard my grandmother say anything about it.
Q Well, what did he say about it? A I have heard him say his mother was not an Indian.
Q Did you fathercome here and apply once for citizenship?
A Yes, sir.
Q Was he admitted? A I think not.
Q Did you hear him make any statements about he ground he expected to get in? A He said his brothers had proved their rights here and if his brothers had any rights he did, but I don't know.
Q Well, in that connection didhe say whether his mother was an Indian or white woman? A Never heard him say that his mother was a white woman in speaking about that, I don't know whether he said anything about that or not; I have heard him say his mother wasn't no Indian.

Mr. McKennon: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

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(Taking of testimony continued by Stenographer M. D. Green)

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

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(Continued from testimony taken by Steno. J. O. Rosson.)

March 19th, 1902, at Muskogee, I. T.

Appearances:
Mr. A. S. McKennon and Mr. Mellette, attorneys for the applicants.
Mr. T. T. Hutchings, and Mr. W. W. Hastings, attorneys for the Cherokee Nation.

ELIA BRASHIERS, being first duly sworn, and being examined testified as follows:
BY MR. HUTCHINGS:

Q State your name? A Elia Brashiers.
Q What was your maiden name? A Elia Dawson.
Q What was your father's name? A Samuel Riley Dawson.
Q What was his father's name? A Samuel.
Q What was your grandmother's name? So far as you know from family history? A Her maiden name was Annie Pruett.
Q Then your father, if I understand you, was the son of Samuel Dawson and Annie Dawson, nee Pruett? A Yes, sir.
Q Did your father have a brother named Robert, and a brother named James? A Yes, sir; that is what I was told.
Q And had a sister named Mrs. Petty? A Yes, sir.
Q And another one named Mrs. McGee? A Yes, sir.
Q And another brother named John? A Yes, sir.
Q What relation are you to Mrs. A. S. Lewis? A Sister.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q You have a distinct recollection of him? A I, yes, I can remember him, but I was small.
Q About how old were you you suppose when your grandfather died? A About 6.
Q Was your father's birth recorded in the family Bible? A Yes, sir.
Q You know whether your grandfather's record of marriages and deaths were recorded in any Bible or not? A I was, but we haven't it.
Q What became of it? A Got burned.
Q Well, about what year do you remember that your father, Samuel Dawson was born? A I believe it was '23.
Q In 1823? A Yes, sir.
Q And how old was he when he died, if you recollect? A He was between 64 and '7.
Q Did you ever hear your father speak of his relations, his father and mother, as to whether they were white people or Indians? A Yes, sir, they were white people.

Q. You know whether in the family you grandmother was spoken of by the name of Annie, always? A Yes, sir.

BY MR. McKENNON: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

ALEX S. LEWIS, being first duly sworn and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A Alex S. Lewis.
Q What is your post-office? A Dawson, Indian Territory.
Q How old are? A 59 years.
Q What was your wife's maiden name? A Elizabeth Parales Dawson.
Q Who was your wife's father and mother? A Her father was Samuel R. Dawson and her mother was the wife of Samuel R. Dawson, did you want her maiden name?
Q Well, if you know the maiden name of your wife's mother, state how you know it? A Well she was called Margarett, Margarett Queen was her maiden name.
Q The maiden name now of your wife's father's mother? A Why the maiden name of my wife's father's mother?
Q Yes, sir? A From what her husband and my father-in-law told me it was Annie Pruett.
Q What was the name of your wife's father's father? A My wife's grandfather on her father's side, Samuel Dawson.
Q And his wife's maiden name was Annie Pruett? A Yes, sir.
Q Did you know this old gentleman, Samuel Dawson, you wife's grandfather? A Yes, sir.
Q Personally? A Yes, sir.
Q What opportunities had you to get acquainted with him? A He lived with his youngest son, my father-in-law, and visited us, my wife and I, after we were married, stayed with us quite a while; I lived near my father-in-law and he visited very often.
Q When did he die? A '74.
Q Have you any particular method of recalling that date? A Well, I was away from the house when he was taken sick, and they sent for my wife and myself, and so when I got home my wife had gone to her father's to see her grandfather, he was sick, and I remember my first wife was a baby at that time.
Q And when was your first child born? A He was born December, '73.
Q You know how old you wife's father was when he died? A Why he was up in 60, but I don't remember his age.
Q Did the old original Samuel Dawson ever tell you his age? A Yes, sir, several times.
Q How old was he at the time of his death? A He was passed 94.
Q Did he ever tell you whether or not his wife Annie Pruett had any sister or brother? A Told me she only had one brother named Bob Pruett.
Q Have any of the members of the family named their children after him? A Make it a little plain, it is a little long; my wife's oldest brother was a particular favorite of his grandfather, and he always took this boy with him everywhere, and he had named one of his, oldest child for this brother-in-law who was a particular favorite of his grandfather; named it for him I understood.
Q How, what is his name? A Of course I don't know why he named it, but he gave him the name of Robert Pruett, and I understood it was on account of his grandfather thinking so much of Robert Pruett.
Q Did you ever hear the old Samuel Dawson speak of his brother-in-law? A Yes, sir; I have heard him say that he wished he knew what had become of Bob Pruett, he never had heard of him for a long

time; didn't know where he was, or whether he was alive or not.
Q Now, I want the children of Samuel Dawson and Annie Pruett, how many of them did you know, first? A How many did I know personally?
Q Yes, sir? A John James, and Samuel R. Those were the only ones of his children that I remember personally.
Q Well, remember what you know of the family, what other children did he have? A Well he had two girls, as I understand the family history, he had two girls, first, and John Dawson was the third child, and the oldest boy was John Dawson.
Q Was John Dawson the oldest boy? A Yes, sir.
Q Which was the oldest girl? What is she known by now? A I think it was Mrs. Petty, nee Bettie Dawson.
Q And John Dawson was the oldest boy? A Yes, sir.
Q And Samuel R. Dawson was the youngest boy? A Yes, sir.
Q You know anything about the time John Dawson was born, have you any way of coming at it, the oldest boy? A Yes, sir, I know what the oldest son and his wife told me.
Q What was that? A They said he was born in 1811.
Q Who was his oldest son? A Toliver H. Dawson; told me his father was born in 1811.
Q Do you remember now whether the old man had occasion to say whether his wife, Annie Pruett was an Indian or white woman, or ever said anything about it? A I know what the old man said what she was, I don't know that I ever heard the question approached in that way, I have heard him speak as to her blood, but it was in a different way that he reached it.
Q What blood did he say she was? A Well he said that she was the daughter of Mrs. Pruett, a white woman; and that her father was Captain John Rogers, a white man who lived with the Cherokee Indians, and traded with them.
Q Did he say who Captain John Rogers afterwards married? A Said he had a wife in the Cherokee Nation.
Q But that Annie Pruett was not her child? A No, sir, she was the child of Mrs. Pruett.
Q A white woman? A Yes, sir, that was the half sister of Bob Pruett.

BY MR. McKENNON:

Applicants object to all of the testimony of this witness, because it is wholly incompetent and irrelevant.

Q Did ever you apply for citizenship here? A Yes, sir; for my wife.
Q When? A My father-in-law made the application, I don't know exactly when it was, I think probably about '88, I couldn't say as to the date.
Q Before the Cherokee authorities? A Yes, sir.
Q Did he file an application before the Dawes Commission in 1896 also? A Him.
Q Yes, sir? A I don't think he did, no sir.
Q Did you? A I did.
Q On account of your wife? A Yes, sir.
Q Did you make affidavit to that application? A No, sir.
Q Who did? A I don't know, don't remember now.
Q You applied for your wife as an Indian by blood did you not? A Yes, sir.
Q Are you still an applicant? A No, sir.
Q Is she? A No, sir.
Q She was denied was she? A Yes, sir.
Q Was there an appeal taken from that? A Application was filed if I remember, before the Dawes Commission, and they rejected the case, and then I appealed it to the District Court, and it was rejected there and then I stopped.

Q Have you ever been arrested for any crime? A Yes, sir.
Q What? A Charge of murder.
Q Anything else? A No, sir.
Q Committed on the train? A Yes, sir.
Q In a train robbery? A Yes, sir, in a train robbery.
Q How long did you remain in jail? A Appealed the case to the Supreme Court, and it was reversed and sent back, and I was acquitted on that charge.
Q That all the crime you were ever charged with? A Yes, sir.
Q Haven't you been having some trouble with the Dawson family? A Well me personally I have no trouble with any of them, there is one of my boys and one of W. A. Dawson's sons-in-law had some trouble.
Q You are not friendly with the Dawson family? A That son-in-law Mr. Wooley, and myself, don't speak, and I don't think his wife speaks to me either.
Q Well you are claiming some sort of lease on the Wooley farm, aren't you? A No. sir, I don't claim any lease on the Wooley farm.

B. W. ALBERTY, being first duly sworn, and being examined, testified as follows:
BY MR. HUTCHINGS:
Q State your name? A B. W. Alberty.
Q What is your post-office? A Tahlequah.
Q What is your present official position in the Cherokee Nation? A Assistant Executive Secretary of the Cherokee Nation.
Q As such have you charge of the citizenship records and books etc. of the Nation? A Yes, sir.
Q Have you made search recently for the original records in the various cases of the Dawson family before citizenship courts in Council? A Yes, sir.
Q Have you got what records you found with you? A I find what's supposed to be the original papers in the case, all that I could find. (Produces papers and hands to Nation's attorney.)
Q Where did you find these papers? A I found them in the desk in which papers of that character are filed away in the Executive Office at Tahlequah. (Applicant's attorneys examine papers produced by witness.)
BY MR. HUTCHINGS: The Nation here introduces in evidence an envelope marked No. 108, the names on the back of it are Robert, Albert, Jasper, John, Frances, Marion, Josephine, Joseph, Jane, Mollie, Wilburn, James, Real Dawson, versus the Cherokee Nation; the envelope and its contents.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced by the Cherokee Nation is indorsed as follows:

"No. 108, Rob. Dawson, Albert Dawson, Jasper Dawson, John Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilburn Dawson, James Dawson, Real Dawson, vs Cherokee Nation, Petition for Citizenship, filed Sept. 24, 1881. Admitted Jan 14th, 1893, D. W. C. Duncan, Clerk."
In pencil: "Robt Dawson."

The said envelope contains a document as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19th, 1893.

No. 100 Robert Dawson, "et al."
vs.
Cherokee Nation.

Testimony for Claimants.

Witness,

Dr. Baker sworn testified as follows. My name is Arthur Baker I reside at Berryvill, Arkansas, Carroll County, my age is 73 years, I am not a Cherokee, I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County some thirty five years time drawn through the last three years. I did years at my father's house near Calhoun I became acquainted with the claimants Robt Dawsons grand father on mother's side, saw him frequently at my father's house; though she A ne Pruit lived in the Nation side. She claimed to be a half sister to Big Joe Vann, who claimed to be half Cherokee; the first time she brought the claimant's mother to my father's house the the claimant's mother was about grown, when I was a lit le boy she called her daughter Polly Rogers said Capt. John Rogers who ran a boat up the river was the father of the child; I saw the girl frequently there at my father's and there at Louis Rogers Store I saw her occasionally until I was 15 or 16 years old and I think then Old Capt John Rogers took her off to school. I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of Old Samuel Dawson. I stayed all night there on one and I had a talk over our old matters, and I asked her when she became acquainted with Dawson and she said at the time she was going to school. And she said after she left school that Dawson followed her home to the Nation and they were there married. I have told that precisely in the words she used.

Capt John Rogers claimed to be one fourth Cherokee, the claimant is the son of Polly Rogers and I know Polly Rogers to be the daughter of Anna Pruet, and I know the claimant to be the son of Polly Dawson Capt Rogers then resided in the Cherokee Country about twelve miles from Calhoun on the Hiawassa River.

Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawsons when I got acquainted with them Arkansas were recognized where they were as Cherokees, Robt Dawsons children is Mack, John, Marion, and two girls; the children named in the petition I recognize as being the claimants.

Question by Solicitor:

Ques. 1 How many children did Polly Rogers have?
Ans. 1 Five, I think that's all.
Ques. 2 Did you say something about so some being married twice?
Ans. 2 The claimant was married twice.
Ques. 3 Could Anna Pruet speak Cherokee?
Ans. 3 Yes she could speak it well
Ques. 4 Did Polly Rogers speak Cherokee?
Ans. 4 She could when she was young.
Ques. 5 How far did you live from Anna Pruet?
Ans. 5 Just across the river about 3/4 of a mile.
Ques. 6 Was Calhoun in the Cherokee Nation?
Ans. 6 It was on both sides of the river, part in the Nation and part out in the State.

Ques. 7 Which Harnage was it went to Texas?
Ans. 7 George went first then John went they were the sons of old man Harnage that lived up here near the line.
Ques. 8 Did the claimant go to Texas?
Ans.8 No the claimant didn't go to Texas.
Ques. 9 What connection was claimant and Polly Rogers?
Ans. 9 The claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.
Ques. 10 Where does claimant now live?
Ans. 10 He lives in Carroll County, Arkansas.
Ques. 11 Do you know what relation old Captain John Rogers was to Charlotte Rogers here in Cooweescoowee?
Ans. 11 They claimed kin but what kin I dont know there were two Capt. John Rogers' in the Nation I am speaking of the time when I first came to this 1830 Country about the year 1830.
Ques. 12 Was Anna Pruet the maiden name of Claimant's grandmother
Ans. 12 Yes that was her maiden name the Indians called her Sinee.

his
(signed) Arthur. A. x Baker.
mark

Witness' hand paralyzed is the reason he signs by a mark thus "x". "

The above document is indorsed on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case, Robt," Decided by the Tehee Court in 1883. A. Riley Dawsons Step daughter a white woman married a white man, named August Bilaska."

BY MR. HUTCHINGS: We further introduce envelope No. 181, of E. Dawson for his grand-children, versus the Cherokee Nation, and its contents, to-wit: The Petition and affidavit of F. M. Dawson, and the testimony of Joseph Dawson.
(Hands papers referred to to applicant's attorneys.)

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced is endorsed as follows:
"No.181. E. Dawson vs the Cherokee Nation. For his grand children. Petition for citizenship. Filed Sept. 14th, 1883, D. W. C. Duncan, Clerk of Com. Decided Sept.13, to be Cherokees.

The contents of said envelope are as follows:

"Office of Commission on Citizenship.
Tahlequah, Cherokee Nation, Sept. 14, 1883.

E. Dawson,
No.181. vs for his grand children,-
Lulu Dauthett,
Dallas Dauthett,

F. M. Dawson for Claimant introduced sworn and in open Court testified as follows:
My name is F. M. Dawson. Am Cherokee by blood reside in the Cherokee Nation am 30 (40 written over it) years old.

I saw the Claimants, Lulu Dauthet and Dallas Dauthet in Vinita, and know them to be the grandchildren of my brother E. Dawson who is a recognized Cherokee by blood. L. M. Dauthet, the father of the Claimants, Lulu and Dallas is a white man Dauthet's wife the mother of Lulu and Dallas was a Cherokee, the daughter of my brother E. Dawson, she is now dead. The oldest of these applicants is about 8 years old. I have known them about 8 years. These children is now living with their father. One is a girl and the other is a boy. I had been acquainted with her mother all her life. If she had been now living she would have been about 35 years old - - She has been dead about 4 years as well as I can recollect, She was about 17 years old when she was married.

his
(Signed) F. M. x Dawson,
mark

Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, Sept. 14, 1893.
No.181 E. Dawson
for his grand Children
Lulu Dauthett
Dallas Dauthett

Joseph Dawson introduced for Claimants, sworn in open Court testified as follows:

Jos. Dawson, am a Cherokee live in the Cherokee Nation, am 31 years old,

Lulu Dauthett and Dallas Dauthett, the Claimants are Cherokees. Fannie Dawson was their mother. Fannie Dawson was a Cherokee, that is what I was always told. Her father was E. Dawson. E. Dawson was my brother. Mrs. Dauthett is not living now: the last time I saw Lula, and Dallas Dauthett, they were in Texas. But I have heard since that they are in the Cherokee Nation. E. Dawson recognizes them as his grandchildren and I have known them ever since they were born.

By Solicitor:

Lula is about 10 years old. The Dallas is about 5 or 6 years old. I heard that their father is now at Vinita Cherokee Nation, E. Dawson is Elbert Dawson. The applicants' mother has been dead about three or four years. She died at Hillsboro, Texas.

I was not present when their mother and E. Dawson had eight children to the best of my recollection, or 9. Fannie, Francis, Cartenna, Nanie, Bob, Smith, Norma, Bert, Ella. All living but two, Fannie and Smith. They are all living in Texas when I left there. I am a brother to E. L. Dawson, we are full brothers. My father has been admitted to Cherokee Citizenship by this Court.

his
(Signed) Joseph x Dawson,
mark "

To the Commission on Citizenship,
Tahlequah, C. N. Sept. 12, 1893.
E. Dawson for grandchildren,
Lulu Dauthett,
Dallas Dauthett,
vs
Cherokee Nation.

Now comes E. Dawson petitioning for the Dawson rights of his grandchildren, Julu Dauthet & Dallas Dauthett, by virtue of their Cherokee blood, which was derived from the

Dawson family, who is acknowledged Cherokees by admission of your Hon. Court, at its last session in January, 1838, in view of the facts ask your Hon for a speedie and favorable consideration of our claims.

(signed) E. Dawson for grand children,
By O. H. Taylor."

This last document is indorsed on back as follows: "No. 181, Petition of Lula, Douthett & Dallas Douthitt, for Citizenship Filed Sept 14, 1838, D. F. C. Duncan, Clerk."

BY MR.HUTCHINGS: Now we desire to introduce the judgment in the case of S. R. Dawson, and others, of the Comission on Citizenship, found on page 20, of Record Book B, of the Citizenship cases in the Cherokee Nation, said book having been turned over to and now in the custody of the Comission: the judgment being dated April 26th, 1839.

BY MR. McKENNON: To the introduction of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

Record above introduced is as follows:

"Office of Comission on Citizenship,
Tahlequah, C. N. August 11th, 1837.

Docket No.	Names,	Age	Sex	Post Office,	Attorney
	1 S. R. Dawson,	66		Catoosa,	
	2 Parlee Dawson,	44	female		
737	3 America J. Dawson,	35	"		
	4 Katharine J. Dawson,	33	"		
	5 J. C. Dawson,	31	male		Bell &
	6 Elias F. Dawson,	39	"	Applicant for)	Bryant.
	7 Tolliver Dawson,	27	"	Cherokee Nation.	
	8 Edna Dawson,	20	female		
	9 Fanny Dawson,	18	"		
	10 John Riley Dawson,	11	male	R.	
	11 Robert E. Dawson,	9	"		
	12 Claud Dawson,	7		Ancestor	
	13 Cleveland Dawson,	3		John Rogers	

-- filed August 11th, 1837."

Inked ink written along Age column is the following: "Rejected April 26, 1839."

"Now this day comes the above case for final hearing, Samuel R. Dawson, bases his application for readmission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the wife of Tolliver Dawson and Chilney Pruitt, said Polly being the sister of Joseph Vann, commonly known as Rich Joe, who was of Cherokee blood. It is admitted that John Rogers & Chilney Pruitt died before the roll upon which their names would appear if living at the time and specified in the 7th section of the Act of December 6th, 1836, creating the Comission on Citizenship, were made but in support of the application it is urged that certain members of the Dawson family and full brothers of the applicant were re-admitted to citizenship by the Comission on Citizenship commonly known as

"The Tehee Court", and the "Spears Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which determined the decision of those Commissions of the testimony now introduced to authorize the admission of the present applicant is not relivent to the issue now pending. The 7th section of the Act of December 8th, 1886, before named provides, that "The Commission shall give a hearing to any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States," As are hereafter enumerated. Neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Jounnah Barber nee Jounnah Dawson and Jane Queen, nee Jane Dawson, and their families, as enumerated in their respective applications.

(signed) Will P. Ross,
Chairman.

This April 26th, 1889.
(signed) D. L. Williams,
Cl'k Com'n."

(signed) R. Bunch, Commissioner,
John E. Gunter, Com'nr.

BY MR. HUTCHINGS: The Nation now introduces the envelope in the case of James K. P. Dawson, and the contents, being the original testimony in the case of E. Dawson; also the judgment in said case, found on page 116, in book C., containing the records of the Citizenship Commission of the Cherokee Nation, the date of said Judgment being April 26th, 1889; this book being also in the custody of this Commission.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope above introduced is indorsed on back as follows:

"Name, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - Years, - - Roll of 1835, Ancestor, Riley Dawson, filed the 5 day of Oct. 1887, Docket 889, Book C Page 116, Testimony on Journal - - Page - - - Decision of Commission Rejected 26 day of April 1889
Rejected."

The contents of said envelope are as follows:

"A. J. Dawson, et al.,) Office Com. On Citizenship,
(vs) (Tahlequah, I. T. Sept. 27th, 1888.
Cherokee Nation.)

E. Dawson, who being duly sworn, upon his oath, deposes and says as follows, to wit:

I am a citizen of the Cherokee Nation and reside in Goldwater-Cowee Dist. and am 53 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I knew known him personally about three (3) years. He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a reation of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee river in Tenn. I think he had four (4) children. I never saw any of them but Andrew J. Dawson, and Jim Dawson.

-Cross Ex.-

Joe Dawson has been dead about 35 years he lived west of the Mississippi River, I understand. My father had four brothers. I don't know how long Joe Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of My Uncle Joe Dawson, is from what he himself has told me, - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me- My grandfather being a Dawson and a white man.

Attest

Connell Rogers,
Clk. Com. on Citizenship."

This document is indorsed on back as follows:
"Testimony of E. Dawson in case A. J. Dawson."

The judgment above introduced, and found on page 116 of Book D of the Dockets of Cherokee Citizenship Commission, is as follows:

"James K. P. Dawson,
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind, Ter., Oct. 5, 1897.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	James K. P. Dawson,-		Male		
2	William A. Dawson,				
3	Richard A. Dawson,				

939

C. H. Taylor.

vs.

Applicant for
Cherokee Citizenship,
Census Rolls 1835
Ancestor,
Riley Dawson,

Cherokee Nation.

In red ink along age column are the words; "Rejected April 26, 1899."

"Adverse to Claimant.
See decision in this case in Book of D. P.
Dawson in Book (B) Page 20.
This April 26, 1899.
D. S. Williams,
Clk Com.

Will P. Ross,
Chairman.
J. E. Senior, Com."

BY MR. HUTCHINGS:

The Nation desires to introduce the original envelope and its contents in the case 196, of Rebecca Dawson, being the application and judgment in the case, also the judgment as copied into the record, Book C, on page 144, the date of said judgment being August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope just introduced is indorsed on the back as follows:

"196, 1, Name Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address Emmet, I. T., Age 48 years, 1835, to 1852, Roll of 18-- Ancestor Maton, Filed the 5 day of Oct 1887, Docket 1017 Book C Page 144, Testimony on Journal- Page - - Decision of Commission, Rejected 28 day of August 1889. Submitted by Mr. Rasmus, Aug. 28, 1889." R"

The contents of said envelope are as follows:

"APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship:
Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Consittution, and with an act of the National Council approved December 8th, 1886, creating your Commission, And respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Maton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokee by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-43 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds for this application for Cherokee citizenship by blood, and respectfully awaits the time when Application shall be duly heard and tried in accordance with the aforesaid law.

Age, 48 years; Postoffice, Emmett, Chic. Na. family with their relationship attached is as follows:

No Name Sex Age Relationship.

In witness of which application I hereto set my hand on this the 4- day of October 1887.

(signed) Rebecca Dawson,
Doudinot & Rasmus,
Attorneys."

- - - - - - - - - - - -

"COMMISSION ON CITIZENSHIP.
Cherokee Nation, Ind. Ter.
Tahlequah, August 28th, 1889.

Rebecca Dawson)
V. S.
Cherokee Nation.) The above case was called and submitted by

Rasmus without evidence the Commission decide that Rebecca Dawson, Age 48 yrs is not a Cherokee by blood and are not entitled to citizenship in the CherokeeNation Post Office Ernest Texas - - I. T.

(signed) WILL P. ROSS,
Chairman,
J. E. Gunter, Com."

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The judgment found in Book C, Records of Commission on Citizenship, Cherokee Nation, Page 144, is as follows:

"Rebecca Dawson.
OFFICE COMMISSION ON CITIZENSHIP.
Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No	Names	Age	Sex	Post Office Attorney:
1	Rebecca Dawson	48	female	Ernest, I. T.

1017

C.
Boudinot & R.
Applicant for
Cherokee Citizenship.

Census Rolls, 1835,
to 1852.
Ancestor,
Moton.

V. S.
Cherokee Nation.

- - - - - - -

Office Commission Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug. 28th, 1889.

The above case was called and submitted by Attorney Rasmus without evidence. The Commission decide that Rebecca Dawson, aged 48 years is not a Cherokee by blood and not entitled to Citizenship in the Cherokee Nation.
Attest:
E. G. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J. E. Gunter, Com."

BY MR. HUTCHINGS: The Nat on next introduces the original envelope and contents in the case 193, of Mary Dawson, the contents being the application for citizenship, and the judgment as written up by the Court; also the judgment of the Court as copied in Book C, Page 145,- said judgment being rendered August 28th, 1889.

BY MR. McKINNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced is indorsed on back as follows:

"193, 3, Name, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Bowie, Texas, Aged 54, years, 1835 to 1852 Roll of 18- Ancestor, Moton, Filed the -- day of 9 18-- Docket 1018, Book C Page 145, Testimony on Journal-- Page-- Decision of Commission Rejected 28th day of August 1889. Submitted by Mr. Rasmus, Aug, 28, 1889."

"APPLICATION FOR CITIZENSHIP",

To the Honorable Commission on Citizenship:

Gentlemen:- The undersigned, your petitioner, this day makes this her Application for re-admission to citizenship in the Cherokee Nation in accordance with the Constitution, and with an Act of the National Council, approved December 8th, 1836, creating your Commission. And respectfully makes the following statement of the grounds of this her application, to-wit:

That Mary Dawson is the Grand Daughter of one Hoton who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-46 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds of this her application for Cherokee Citizenship by blood, and respectfully awaits the time when her Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 54 years; Postoffice, Bowie, Texas, family with their relationship attached in as follows:

No.	Name	Sex	Age	Relationship.
1	Walter Dawson	M	18	Son.

In witness of which application I hereunto set my hand on this the 4 Day of October 1907.

Mary Dawson,

Boudinot & Rogers,
Attorneys."

- - - - - - -

COMMISSION CITIZENSHIP,
Cherokee Nation, Ind. Ter.,
Tahlequah, August 20th, 1908.

Mary Dawson,
vs
The Cherokee Nation
} Application for Cherokee Citizenship.

The above named case having been submitted by F. F. Rogers, Attorney for plaintiff, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 18 yrs, are not of Cherokee blood, P. O. Bowie, Texas.

Will P. Ross,
Chairman,
J. T. Carter, Com."

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Said envelope also containing the following:

APPLICATION FOR CITIZENSHIP

TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen:- The undersigned, your petitioner, this day makes this his application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an Act of the National Council, approved December 8th, 1836, creating your Commission. And, respectfully makes the following statement of the grounds of this her application, to-wit: That James M. P. Dawson is the son of one Miley Dawson who the undersigned firmly believes was duly enrolled upon the - - - Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1835, the undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee Citizenship by blood, and respectfully awaits the time when his application shall be truly heard and tried

In accordance with the aforesaid law.
Age - - years; Post-office - - -: family with their relationship attached is as follows:

Names	Sex	Age	Relationship
Willie A. Dawson	Male		Son
Richard A. Dawson,	"		"

In witness of which application I hereto set my hand on this the 4th day of Oct 1887.

(signed) James K. P. Dawson,
C. W. Taylor, Attorney."

- - - - - -

The judgment as recorded in Book C, page 145, of the records of the Cherokee Commission on Citizenship, is as follows:

"Mary Dawson,

Office of Commission Citizenship.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	Mary Dawson,	54	female	Bowie, Texas.	
2	Walter Dawson,	18	male		

Boudinot & R.
Applicant for
Cherokee Citizenship.

Census Rolls 1835 to 1852
Ancestor
- - - - - -

vs.
Cherokee Nation.

- - - - - -

Office Commission on Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug 20th, 1889.

The above case having been submitted by W. F. Parris, attorney for claimant, without evidence, the Commission decide that Mary Dawson aged 54 years, and her son Walter Dawson aged 18 years are not of Cherokee blood. Post office Bowie Texas.
Attest:

T. C. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J. M. Gunter, Com."

- - - -

At Mr. Koontz's: The Nation further introduces the original envelope in the case of Andrew J. Dawson, which said envelope contains his original application: also the judgment in said case recorded on page 38, of Book A, of the records of the Citizenship Commission of the Cherokee Nation, which said records are now in the custody of the Commission: the judgment is dated April 26th, 1888.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced above, is endorsed as follows:

"Name, Andrew J. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Nevada, Mo. Age 44 years, -- 1835, Roll of 1835, Ancester, -- Filed the 11 day of February 1887, Docket 37 Book A, Page 38 Testimony on Journal -- Page, Decision of Commission, REjected, 26 day of April, 1889, Rejected."

The contents of said envelope are as follows:

"To the Commission on Citizenship.

Tahlequah, I. T.,
January 27, 1887.

	Age		
Andrew J. Dawson,	44	years	Male
E. E. Dawson,	16	"	"
Olive M. Dawson,	14	"	female
William H. Dawson,	11	"	Male
Jessie K. Dawson,	9	"	"
Clennie D. Dawson,	8	"	female.

V.S.
Cherokee Nation.

Know comes Andrew J. Dawson, and five children claiming his right to Cherokee Citizenship by virtue of his Cherokee blood, he being a cousin of E. Dawson and others of the same name admitted to Citizenship by the Tahlequah Court on Citizenship, which is a matter of record, we submit that as proof of the Justness of his claim, his ancestors will be found on the roll of 1835.

Respectfully,

Post-office, (signed) A. J. Dawson &
Nevada, Mo. five children,
by C. E. Taylor,
Attorney."

" " "

The judgment just introduced and found on Page 38 of Book A, Records of Cherokee Commission on Citizenship, is as follows:

"Andrew J. Dawson,
Office Commission Citizenship,
Tahlequah, C. N., Feby 11, 1887.

Docket No Family	Name	Age	Sex		
1	Andrew J. Dawson,	44	Male	Nevada, Mo.	
2	E. E. Dawson,	16	"		
3	Olive M. Dawson,	14	Female		
4	William H. Dawson,	11	Male	Applicants for	
5	Jessie K. Dawson,	9	"	Cherokee Citizenship,	
6	Clennie D. Dawson,	8	Female	C. E. Taylor.	

Rolls 1835,

Rejected April 26, 1889, (red ink.)

V.S.
Cherokee Nation.

Filed May 11, 1897. Ancestors,

Adverse.

See decision in this case in that of L. R. Dawson, Book P.20.
Rendered April 26- 1899.
D. S. Williams,
Clk Com."

BY MR. HUTCHINGS: We next desire to introduce the records in the case of the same Andrew J. Dawson, before the Commission to the Five Civilized Tribes, filed September 7th, 1896, and the judgment of the Commission thereon. Number of said case being 4,094. And the judgment of said case on Page 394, Book B., Dawes Commission Record, 1896. Judgment was rendered November 17th, 1896, denying the application.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The records just introduced, being those filed before Dawes Commission, 1896, in Andrew J. Dawson, et al., are as follows:

Registry Receipt,
Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind Ter., Registered Letter, No. 409, Rec'd, of A. J. Dawson, addressed to S. H. Mayes, Tahlequah, I. T., (signed) D. A. Frayser, L.-P. M.

"Commission to the Five Civilized Tribes,
Vinita, Ind. Ter., Sept. 7, 1896.

See that you swear to your petition.

Evidence of service of copies of Chief or Governor may be secured as follows: If convenient get his receipt to file with your papers. If you cannot do this, register to him, and have some interested person to make affidavit in form as follows:

I, S. M. Davidson, do solemnly swear that on the 7th day of September, 1896, I saw a package registered at the Post office at Vinita, Indian Territory, addressed to Hon. S. H. Mayes, Chief of the Cherokee Nation, Tahlequah, Ind. Ter., that the registry receipt no.409, received from postmaster, herein attached, is a receipt for said package, which contained true copies of the application of Andrew J. Dawson, one of the affidavits of E. Dawson and J. M. Dawson in support of same.

(signed) S. M. Davidson.

Subscribed and sworn to before me, on this 7th day of September, 1896.
(seal)

(signed) W. H. Kornegay,

Notary Public, First Judicial Division, of the Indian Territory.

Attach receipt to this affidavit and send with papers to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, as we understand that packages are not promptly receipted for by the Chiefs and Governors.

XXX _____
For the Commission."

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:-

The undersigned, your petitioner, Andrew J. Dawson. ~~Willia--H.-T.-Dawson-Jone-K.--D.~~. (Line in ink drawn through those names) for and on behalf of Nonnie E. V. Dawson, Olive Maud Dawson, William H. T. Dawson, Jesse K. Dawson, Glen Dale Dawson, James K. P. Dawson, William A. Dawson, Maggie E. Dawson, Richard A. Dawson and Mary E. Dawson and heirs, this day make their application to you for the purpose being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the funds and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokee Indians by blood, deriving the same from Captain John Rogers, Polly Rogers, daughter of Captain John Rogers, married Samuel Dawson, whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the years 1817, 1818, 1819 and 1835 & 1838 the same to be submitted to your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his proof in support of said claim, and respectfully awaits the time when his application shall be heard and tried.

Respectfully submitted,
Andrew J. Dawson,

Enrollment of family, with relationship and blood, as follows:

Names.	Ages.	Relationship.
Lonnie E. V. Dawson,	25	Daughter,
Olive Maud Dawson,	23	daughter
Willie H. T. Dawson,	21	son,
Jesse K. Dawson,	18	son.
Glen Dale Dawson,	16	daughter.
James K. P. Dawson,	7	brother.
William A. Dawson,	15	Nephew.
Maggie E. Dawson,	3	Neice.
Richard A. Dawson,	12	Nephew.
Mary E. Dawson,	7	Neice.

I [illegible], I hereunto set my hand this [illegible] day [illegible].

(Signed) Andrew J. Dawson."

Jurat on back of following:

United States of America,
Indian Territory,
Northern District.

Andrew J. Dawson, of lawful age, being duly sworn states that he knows the facts set forth in the above and foregoing application and that the same are true as he verily believes.

(signed) Andrew J. Dawson,

Subscribed and sworn to before me on this the 3rd day of September 1896.

(signed) J. A. Tillotson,
Notary Public.

(Seal)
My Commission expires June 8th 1899.

- - - - - - -

Indian Territory,)
Northern Judicial Dis- (SS.
trict

Andrew J. Dawson, of lawful age, being by me first duly sworn on oath says that he is 52 years old that his post office address is Afton, I. T. Affidavit further says that he is a citizen of the Cherokee Nation and a Cherokee Indian by blood deriving his Indian blood from Polly Rogers daughter of Captain John Rogers, that Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Hiwassee river while emigrating to the west.

Affidavit further says that Samuel Dawson and Polly Rogers are his Grandfather And Grandmother and that Captain John Rogers was recognized by the National Council of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation of 1852 as follows: An act of the Council of 1848 page 60, an act of Nov. 17th 1843, page 30. also an act of Nov. 16 1840 page 204.

Affidavit further says that he is a blood relation of E. Dawson, F. L. Dawson, Joseph Dawson, and John Dawson who were admitted to citizenship by the Cherokee Nation and whose names appear upon the authenticated rolls of 1896.

(signed) Andrew J. Dawson.

Subscribed and sworn to before me this 3rd day of September A. D. 1896.

(signed) J. A. Tillotson,
Notary Public.

(Seal)
My Commission expires June 8th 1899."

"Indian Territory,)
Judicial Dist.) S.S.
)

F. L. Dawson, of lawful age, being by me first duly sworn on oath says that he is 54 years old; that his post office address is Afton, Indian Territory, Affidavit further says I have known Andrew J. Dawson for the past 10 years and have known him and recognized him as a Cherokee Indian and a cousin of mine, he claims to have originated from the family of Joe Dawson and he was a brother of Robert Dawson my father, and he being an ofspring of Sam Dawson, who married Polly Rogers, a daughter of Captain John Rogers, who was a recognized Cherokee Indian.

(signed) F. M. his X Dawson
mark

Subscribed and sworn to before me this the 4th day of Sept 1896.

(signed) Frank L. Sharp
Notary Public. (Seal)"

"Ind Ter
Northern Dist

This affidavit made this 4th day of Sept 1896 by E. Dawson of this Dist in the Cherokee Nation I have known A. J. Dawson 10 years and have known him and recognised him as a Cherokee Ind and a cousin of mine, he claims to originate from the family of Joe Dawson and he was a brother of Robert Dawson and being an offspring of Sam Dawson who was (line in ink drawn through word was) married Pollie Rogers a daughter of Captain John Rogers who was a recognised Cherokee Indian.

(signed) E. Dawson.

Subscribed and sworn to before me this 4th day of Sept 1896.

(signed) J. Barricklaw,
Notary Public,

My commission expires June 8, 1899.
(Seal)"

Indorsed on back: "No. 1309, A. J. Dawson vs Cherokee Nation Filed Sept 7-1896 A. S. McKennon, Com'r."

"Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabaniss, A. B. Montgomery, Commissioners.
In the matter of the application of
Andrew J. Dawson, Nation's No.....
Commission's No.....
for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy.

2nd. That the application does not state facts sufficient if true, to show that the applicant . . . entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that John Rogers through whom the petitioner claims to derive right to citizenship in the Cherokee Nation, is not now, - . . and never was a citizen of the Cherokee Nation, since the removal of said Nation, west, to the Indian Territory, as at present located and defined; that his name does not appear on any of the authenticated rolls of said nation; that neither he nor any of his ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

See case Nation's No. 1273.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Hayes, Principal Chief Cherokee Nation.

E. Hutchings, Hastings & Boudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matter contained in the foregoing answers are true, to the best of his knowledge and belief.

(signed) John L. Adair,

Subscribed and sworn to before me this the 2nd day of Oct 1896.

(signed) D. J. Ball,
Notary Public.

(Seal)"

Indorsed as follows: "Nation's No. 4678.
Commission's No. 4694, In re application of Andrew J. Dawson, DEMURRER AND ANSWER. Filed Oct 21 H. M. Jacoway, Sec."

The foregoing documents, comprising the 1896 papers as above set forth, are inclosed in envelope indorsed:

"No. 4694, Petition of Andrew J. Dawson, and heirs, Cherokee, 9-7-96. Rejected."

Which envelope is inclosed in jacket, marked "No. 4694."

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BY MR. HUTCHINGS: Now we desire to introduce the records in the case of Joanna Barber, et als., No. 1804, the United States Court number being 90, and the Nation desires to call especial attention to the testimony of T. C. Rogers and Sarah Carter as set forth in this case.

BY MR. McKENNON: To all of which applicants object, because it is wholly irrelevant, immaterial and incompetent.

Records in said case are as follows:

blood is shown by proof here-
with filed.

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners authorized by an act of Congress of June 4, 1896, to hear and determine claims for Citizenship in the Cherokee Nation:

Gentlemen:- The undersigned, your petitioner, Joanna Barber, for and on behalf of himself and heirs, this day make this their application to you for the purpose of being placed on the revised roll of Cherokee Indians and of those entitled to

share in the distribution of funds and allotments of land in Cherokee Nation, by virtue of their Cherokee blood, and I herewith submit the affidavits of E. Dawson, S. R. Dawson, W. A. Dawson & F. M. Dawson in support of said claim, and respectfully await the time when our application shall be heard and tried.

Respectfully submitted,
(signed) Joanah Barber.

Enrollment of family, with relationship attached, as follows:

Names		Age	Relation ship.
Joanah Barber,		60	Daughter of Elizabeth or Betsy
Isaac J. "	Husbd	65	Petty, nee Dawson, who was a
Onis E. "		26	daughter of Polly Dawson, nee
W. R. "		24	Rogers who was a daughter of
James E. "		18	Capt Jno Rogers and Ailey Rogers
Johny "		6	nee Vann a Cherokee Indian by
Joel A. Barber		39	blood as is shown by Proof here-
			with filed.

In witness of which I have hereto set my hand on this 6 day of August 1896.

(Signed) Joanah Barber."

Indorsed as follows: "Pd $.50 No.... Petition of Joanah Barber for self and on behalf of herself and heirs."

TO THE HONORABLE HENRY L. DAVIS AND OTHERS COMPOSING THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitioner, Joanah Barber, would state and show from the proof submitted to the Commission that she is a Cherokee by descent and by blood having been born in Carroll County, State of Ark. on the 5 day of Dec 1835. My father's name was John Petty. My mothers name was Elizabeth Petty, nee Dawson. That I now reside in the Cherokee Nation, and have resided there for 10 years. And I am aware these facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe. And I further avers that these facts being proved she is entitled to be adjudged under the laws of such Nation and the laws of the Congress of the United States and the treaties of such Nation with the United States, a citizen of such Nation, with all the rights, privileges and protection of citizenship in such Nation. Wherefore she herewith respectfully submits to the consideration of the Honorable Commission such proof and on the hearing she be adjudged entitled to such citizenship and her name be placed upon the proper roll as such citizen of such Nation.

(signature illegible) Joanah Barber.

INDIAN TERRITORY,)
(SS
FIRST JUDICIAL DIVIS)

Now on this [illegible] day of Aug before me [illegible] a Notary Public in and for said [illegible] duly appointed and qualified, Joanah Barber, who being duly sworn and [illegible] states that the facts set forth in the [illegible] are true and correct and true.

Subscribed and sworn to before me this 6 day of August 1896.

(signed) W. J. Watts,
Notary Public.
(Seal)"

- - -

"(COPY)
In the matter of the claim of Joanah Barber nee Joanah Petty to Cherokee Indian Citizenship in the Cherokee Nation, Indian Territory.

Affidavit of S. R. Dawson.

Delaware District,)
Cherokee Nation,)
First Judicial Division,)
U.S. Court, Indian Territory.) ss
)
)
)

S. R. Dawson, to me well known to be reliable and respectable, after being duly sworn according to law states on oath, that he is a bona-fide citizen of the Cherokee Nation by blood- that he is a resident of said Nation- that his post-office address is Afton, I. T.; that he is fifty-one years of age- that he is well acquainted with the claimant Joanah Barber and has as long as he has known her person- that she is of Cherokee Indian descent- that her maiden name was Joanah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of Polly Rogers, a person of Cherokee Indian descent, who intermarried with Samuel Dawson, a white man- that he said Polly Rogers was the daughter of Captain John Rogers [illegible] Ailsey Vann both well known Cherokee Indians.

Affiant is not directly nor indirectly interested in the result of this application.

(Impress of National Seal)

(signed) S. R. Dawson.

Subscribed & Sworn to before me this June 6 1892
(signed) W. J. Watts,
Notary Public."

"United States of America,
Indian Territory, (ss
First Judicial Division.

I, William J. Watts, a Notary Public within and for the Judicial Division aforesaid, do hereby certify that the next above is the [illegible] on [illegible] page of the affidavit in a true and literal copy of the original [illegible] in the matter of the [illegible] Ind. Terry, this the Third day of July A.D. 1896.

(signed) William J. Watts,
Notary Public, First Judicial Division, Ind. Terry.
(Seal) My Commission expires Feby 5, 1897."

(A copy)

In the matter of the claim of Joanah Barber (nee Joanah Petty,

to Cherokee Indian Citizenship in the Cherokee Nation, Ind Ter.

Affidavit of E. Dawson,

Coowescoowee District,)
Cherokee Nation,)
First Judicial Division,) ss
U. S. Court, Ind. Ter.)

E. Dawson, to me well known to be reliable and responsible after being duly sworn according to law states on oath that he is a bonified citizen of the Cherokee Nation by blood- that he is a resident in said Nation that his post office address is Talala, Ind Ter.-that he is 58 years of age- that he is well acquainted with the claimant Joanah Barber and has he has as long as he has known any person- that she is a person of Cherokee Indian descent the her maiden name was Joanah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of one Polly Rogers a person of Cherokee descent, who intermarried with Samuel Dawson, a white man, that the said Polly Rogers was the daughter of Captain John Rogers a well known Cherokee Indian.

Affiant is not directly nor indirectly interested in the result of this application.

(signed) E. Dawson.

Subscribed and sworn to before me this the 24th day of Febry 1893

(signed) A. E. Williams,
Notary Public.

(Impress of National Seal here.)

Com. Exps. Sept. 26/96.

United States of America,
Indian Territory, S s
First Judicial Division.

I, William F. Rasmus, a Notary Public within and for the First Judicial Division, Indian Territory, do hereby certify that the next above and thereto within one page of an affidavit is a true and literal copy of the original presented to me at Tahlequah, Ind Ter. this third day of July A.D.1896.

(signed) Wm. F. Rasmus.

(Seal) Notary Public, First Judicial Division: Indian Territory, My Commission expires Febry 7, 1897.)

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United States of America,
Western District of Arkansas. ss.

In the case of one Joanah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came and appeared before me William F. Rasmus, a Commissioner U. S. Court within and for the District aforesaid duly authorized to administer oaths T. A. Dawson, to me personally well known to be reputable and entitled to credit, and who being by me first duly sworn according to law, deposes and

and says: My name is W. A. Dawson, my age is 52: years; my post-office address Tulsa, Ind. Terry. I am a farmer by occupation, I am a citizen of the Cherokee Nation, I. T. by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: That he is personally well acquainted with the claimant, Joanah Barber- whose mother's name was Elizabeth (commonly called Betty) Petsy, Dec'd nee Elizabeth Dawson, - a Cherokee Indian by blood, and she was the sister of his father; James Dawson, Dec'd, a recognized and acknowledged Cherokee Indian by blood- she the said sister of Robert Dawson Dec'd a recognized and acknowledged Cherokee Indian by blood- said Robert Dawson having been full brother to said James Dawson- that therefore the said claimant, Joanah Barber is his (affiant's) first cousin by Cherokee Indian blood and that he so recognizes and acknowledges her.

(signed) W. A. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry this third day of December A.D.1894.

(seal) (signed) T. B. Reynolds, United States Commissioner."

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"UNITED STATES OF AMERICA.)
Western District of Arkansas.)ss

In the case of Joanah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William B. Reynolds, a Commissioner of the U. S. Dist. Court within and for the District aforesaid duly authorized to administer oaths in said D. Dawson, to me made personally well known to be reputable and entitled to - - and who - - duly sworn according to law deposes and says: My name is Francis M. Dawson my age is about 57 years, my post-office address is Afton, Ind. Terry, I am a farmer by occupation, I am a citizen of the Cherokee Nation, by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: I am personally well acquainted with the claimant Joanah Barber, whose mother's name was Elizabeth (commonly called "Betty") Petsy, nee Elizabeth Dawson, a Cherokee Indian by blood, said Elizabeth Petsy being a full sister of my father Robert Dawson Dec'd, a Cherokee Indian by blood- and I acknowledge the relationship by Cherokee Indian blood of Joanah Barber to me as first cousin- and I know that the said Joanah Barber therefore is of Cherokee Indian blood.

(signed) F. M. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry this 17th day of November A.D.1894.

(seal) (signed) T. B. Reynolds, United States Commissioner.

Indorsed on back as follows: "No. 1 Filed Feb 22 1897, Jas. A. Hinston, Clerk."

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"Page 20, Docket "B"
Joannah Barber.
Office Commission on Citizenship,
Tahlequah, C. N. August, 1887.

Docket. No.	Names	Age.	Sex.	Post Office.	Atty.
1	Joannah Barber	51	female	Vinita, I. T.	
2	Ailey J. Barber	34	female		
3	Irena Barber	24	female		
4	Ema Barber	22	female		
5	Atta Barber	20	female		
6	Mary Barber	17	female	applicant for	
7	Onica Barber	17	female	Cherokee Citizenship	
8	Joel Barber	31	male	Rolls 1835	
9	Calaway Barber	27	male		
10	Toliver Barber	26	male	Ancestor	
11	Riley Barber	15	male		
12	Edgar Barber	9	male		
	V.S.			John Rogers &	
	Filed Aug. 12, 1887.			Alcy Pruett	

See decision this case in that of L. R. Dawson, adverse to claimant in this Book page 20.
This April 26th, 1889.
D. S. Williams, Clerk com. Will. P. Ross, Chairman, J. E. Gunter, Com."

"S. R. Dawson.
Office Commission on Citizenship,
Tahlequah, C. N. Aug. 11th, 1887.

Docket. No.	Names.	Age.	Sex.	Post Office	Atty.
1	S. R. Dawson,	66		Catoosa, I. T.	
2	Parlee Dawson,	44	female		
3	Amorica J. Dawson,	35	female		
4	Katherine J. "	15	female		
5	J. C. Dawson,	31	male		
6	Elias R. Dawson,	20	male		
7	Toliver Dawson,	27	male	Applicant for	
8	Emma Dawson,	30	female	Cherokee	
9	Fanny Dawson,	12	female	Nation	
10	John Riley Dawson	all	male		
11	Robt. E. Dawson,	9	male		
12	Clara Dawson,	7	female		
13	Cleveland Dawson	3		Ancestor	
	Filed Aug. 11, 1887.			John Rogers	
	Rejected April 26, 1889.				

Now this day comes the above case for final hearing, Samuel R. Dawson bases his application for re-admission to Citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson, a white man, Polly Rogers, the daughter of Captain John Rogers, and Child by Pruett said to be half sister of Joseph Vann, an old known rich and [illegible] of Cherokee blood. It is admitted that John Rogers

Chilsey Pruett died before the rolls upon which their names would appear if living at the time, and specified in the 7th Section of the Act of December 6th, 1886, creating the Commission on Citizenship were made, but in support of the application it is urged that certain members of the Dawson family the full brothers of the applicant were admitted to citizenship by the Commission on Citizenship commonly known as the "Tehee Court" and "Spears Court" and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the commitment one which determined the decisions of those Commissions or the testimony now introduced to authorize the admission of the present applicant is not relevant to the issue now pending. The 7th Section of the Act of December 6th, 1886, before mentioned provides that the Commission hereinafter to be appointed to any person applying for citizenship in the Cherokee Nation upon the grounds of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States, hereinafter mentioned, neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls, the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission of citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the case of Andrew J. Dawson, James K. P. Dawson, Joannah Barber, nee Joannah Dawson, and Jane Queen, nee Jane Dawson and their families as enumerated in their respective applications.

Will. P. Ross, Chairman,
P. Brock, Commissioner,
This April 26th, 1889, John E. Hunter, Commissioner.
D. S. Williams, Clerk Com."

- - - - - - -

United States of America,)
Indian Territory, (ss.
Northern District.)

W. C. Rogers being duly sworn on oath deposes and says: that he is a citizen and resident of the Cherokee Nation, Indian Territory. That his post-office address is Ski-ko-ki, Ind. Ter. that he was born and raised in the above mentioned Ter itory; that he is 46 years of age:

Affiant further states that he is slightly acquainted with Irena J. House, an applicant for admission to citizenship in the Cherokee Nation as shown by copy of her application.

Affiant further states that his father's name was Charlie Rogers- who was a son of Captain John Rogers and the said Capt. John Rogers was the only man of that name that ever lived in the Cherokee Nation that this affiant ever heard of; that the said Capt. John Rogers this affiant's grandfather lived at Grand Saline, I. T. and died in Washington, D. C.

This affiant states that his father Charlie Rogers was a sister and five brothers viz. Cynthia Rogers, Lewis Rogers, George Rogers, Nelson Rogers, Samuel Rogers and Randolph Rogers; that he (this affiant) was well and personally acquainted with the above said parties- except Samuel and Randolph Rogers, who were killed when this affiant was quite young.

This affiant at the time was 34 years of age, when his father, Charlie Rogers died, that his father never had any other family (like an ink blot) brothers or sisters that the ones above mentioned; that the said Polly Rogers named in the application for citizenship of Irene J. House, was not a sister of his fathers; that his father never had but one sister viz. Cynthia Rogers the this affiant ever heard of; that this affiant was well acquainted with his aunt Cynthia Crump-"

Just here the following is inserted on separate paper:

"EXECUTIVE DEPARTMENT OF
CHEROKEE NATION. I, John L. Adair, Executive Secretary of the Cherokee Nation, do hereby certify that I have compared the foregoing with the original record in this Department, and that the same is correct copies and transcript therefrom.

In witness whereof I have hereunto set my hand and affixed the Great Seal of said Cherokee Nation, at Tahlequah, this, the 5th day of Feb. 1896.

(Seal) (signed) John L. Adair,
Executive Secretary."

Then the above affidavit continues:

"(nee) Rogers that she lived with this affiant's father for a number of years prior to here death.

Affiant states that he has often talked with his father, Charlie Rogers of his aunt Cynthia Crump (nee Rogers) about his relatives; that they never whole of any other sister in their family; that this affiant was about 20 years of age when his aunt, Cynthia Crump died; that they told him there never was (words "never was" marked over with ink) father never had any other daughter or daughter other than Cynthia Rogers

Affiant states that his father told him a number of times, that this affiants grandfather Capt John Rogers never had any other family other than the one above mentioned; that this affiant never heard his father Charlie Rogers or any of his relatives speak of his grandfather Capt John Rogers ever., or running a boat up any river.

Affiant states his father Charlie Rogers was born on Big Mulberry, South-east of Van Buren, Arkansas, in the year of 1817.

Further affiant saith not.

[illegible] Rogers.

Subscribed and sworn to before me on this the first day of October, 1896.

(signed) William M. Hall,
Notary Public,
(seal) My Commission expires January 16th, 1900."

"United States of America,)
Indian Territory, (SS
Northern District.)

[illegible] Sarah Crittenden being first duly sworn states; that she is a citizen & member of the Cherokee Nation, Ind. Ter. and her post office address is Vinita, I. T., that she is 65 years of age.

Affiant states that she is the daughter of Charlie Rogers that her grand father on her father's side was Capt John Rogers. Affiant further states that W. C. Rogers is her brother, and that she has read the foregoing affidavi of W. C. Rogers, and knows the contents thereof: that the facts therein set forth are true as she verily believes.

(signed) Sarah Carter.

Subscribed and sworn to before me this the first day of October, 1896.

William H. Hall,
Notary Public,

My Commission expires January 16th 1900."
(seal)

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"Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. - (name torn off) A. B. Montgomery, Commissioners.

In the matter of the application of Nation's No.1573
Joanah Barber Commission's No...
et al-
for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and returns the said application, and for his grounds thereof says:

1st. That the Commission has no jurisdiction over the parties or subject matter of this controversy, and not legal right, therefor, to hear and determine the same.

2nd. That the application does not state facts sufficient, if true, to show that the applicants are entitled to citizenship.

Respondent not waiving the aforesaid demurrer, but insisting upon the same for answer to said application, says the John Rogers through whom the petitioners claim to derive their right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory and it proper located and defined; that his name does not appear upon any of the authenticated rolls of said Nation; that neither he nor any of their ancestors now residing in or have resided in the Cherokee Nation and Indian Territory, are citizens thereof.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Mayes, Principal Chief Cherokee Nation.

By Mansfield, Hastings & Goodnight, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, on that the matters contained in the foregoing answer are true, to the best of his knowledge and belief.

(signed) John L. Adair,

Subscribed and sworn to before me this the 3rd day of Oct. 1896.

(signed) D. J. Ball,
Notary Public."
(seal)

Indorsed on back as follows: "1674 Docket No. 1577, Commission's Docket. In the application of No 2 Joanna Barber Delaurier and Almer Filed Mar 13 1907 Jno. A. Winston, Clerk/ Filed Oct 7 1907 W. H. Maccrady, Secy."

"BRIEF.

BEFORE THE HONORABLE COMMISSION OF THE UNITED STATES OF AMERICA,

duly appointed and empowered to Act, under and by virtue of the Act of Congress of June 4th 1896, to hear and determine all claims for citizenship of the Five Civilized Tribes of Indians, to-wit:
Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians.

In the matter of the application for citizenship in the Cherokee Nation, of Joanna Barber and her children, to-wit:

Chas F. Barber, William L. Barber, James E. Barber, Johnnie Barber and Joel A. Barber.

In the matter of the application for citizenship in the Cherokee Nation of Joel A. Barber and his children, to-wit: Nettie Barber, Oliver Barber, George A. Barber, Francis C. Barber, Jesse Barber and Ethel Barber.

In the matter of the application for Citizenship in the Cherokee Nation of Mary A. Baker and her child, to-wit: Inez Baker.

In the matter of the application for citizenship in the Cherokee Nation of Ella L. Murphy and her child, to-wit: Claude M. Murphy.

In the matter of the application for Citizenship in the Cherokee Nation of Ella Moore and her children, to-wit: Anna J. Moore, Jackson D. Moore, Rimby Moore and Gladys Moore.

In the matter of the application for Citizenship in the Cherokee Nation of Attie L. Hunt and her child, to-wit: Lyman Hunt.

In the matter of the application for Citizenship in the Cherokee Nation of Alsey J. Smart and her children, to-wit: Georgia A. Smart and Emzy L. Smart.

In the matter of the application for Citizenship in the Cherokee Nation of Joannah J. Garlinghouse and her children, to-wit: Myrtle O. Garlinghouse, Cora L. Garlinghouse and Birthe L. Garlinghouse.

In order that the Honorable Commission may clearly and fully understand the proof and merits of the Claim of the aforesaid Claimants, we deem it necessary to present to the Honorable Commission, the genealogy of each of said Claimants, to-wit:

Joanna Barber, whose maiden name was Joanna Potts, is a daughter of Elizabeth Potts, nee Dawson and a granddaughter of Polly Dawson, nee Rogers and a great granddaughter of Colonel John Rogers, who was a Cherokee Indian by blood as appears by the proof herein submitted.

Jool A. Barber is a son of Joanna Barber, nee Petty and grand son of Elizabeth Petty, nee Dawson and a great grand son of Polly Dawson nee Rogers and a great great grand son of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted. Mary A. Boner, whose maiden name was Mary A. Barber, is a daughter of Joanna Barber and a granddaughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

E. M. Lumpy, whose maiden name was E. M. Barber, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabethe Petty, nee Dawson and a great great grand daughter of Polly Dawson nee Rogers and a great great great grand daughter of Captain John Rogers, who was Cherokee Indian by blood, as shown by the submitted proof.

Ella Rogers, whose maiden name was Ella Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof.

Attie L. Hunt, whose maiden name was Attie L. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blodd, as shown by the submitted proof.

Alcey J. Hart, whose maiden name was Alcey J. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson, and a great great daughter of Polly Dawson, nee Rogers, and a great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joanna J. Garlinghouse, whose maiden name was Joanna J. Hart, is a daughter of Alcey J. Hart, nee Barber, and a great daughter of Joanna Barber, nee Petty and a great great granddaughter of Elizabeth Petty, nee Dawson and a great great great grand daughter of Polly Dawson, nee Rogers, and a great great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Therefore, the Claimants pray the honorable Co. in the, that after a careful examination of their application and impartial investigation of the proof herein submitted, you will adjudge each of said Claimants, together with their aforementioned Children, entitled to citizenship in the Cherokee Nation, and that you place the name of each Claimant, and the names of their aforementioned Children, upon the Cherokee roll, and that you grant to them all the rights, privileges and immunities of citizens of the Cherokee Nation.

(signed) Hubbard, Carlile & Hatch,
Council for Petitioners."

Indorsed thereon as follows: "No.3 Filed Feb 24 1897, Jas. A. Winston, Clerk."

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Commissioners,
Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss, Alexander B. Montgomery--H. M. Jacoway, Secretary.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,
Vinita, Indian Territory, Oct 2 , 1896.
Filed Sept. 8, Answer filed,
Application denied.

Joanna Barber,
vs.
Cherokee Nation.

I, H. M. Jacoway, Jr., Secretary, do hereby certify that the above and foregoing is a true and correct copy of Cherokee Record A. page 287 of the Commission to the Five Civilized Tribes.

Given under my hand and official signature this the 19 day of Feb. 1897.

H. M. Jacoway, Jr.,
Secretary."

Indorsed as follows: "1864 No. 4 Filed Feb 24 1897 Jas. A. Winston, Clerk."

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"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Joanna Barber et al,
vs.
Cherokee Nation. No.1864.

AFFIDAVIT FOR APPEAL.

Now come the said Joanna Barber et al applicants for citizenship in this cause by W. B. Watts, one of their attorneys, and pray an appeal from the decision of the Honorable Commission to the United States District Court as provided by the Act of Congress approved June 10th, 1896.

And the said W. B. Watts, being duly sworn and acting on behalf of said applicants says that the appeal prayed for in this cause is not asked for the purpose of delay but that justice may be done the appellants.

(signed) W. B. Watts,

Sworn and subscribed to before me this 22nd day of December 1896.

(signed) J. C. Lindsey,
Notary Public.
(SEAL)
My Commission expires March 4th, 1897."

Indorsed: "Court 80."

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"Received of M. L. Bacovny, Jr., Secretary of the Commission to the Five Civilized Tribes, the original papers, in the case of - - - - vs - - - - Nation, as follows:

/ / / / / / /

Witness my hand and official seal at Muskogee this the [illegible] day of Feby 1897.
(SEAL) (signed) J. Q. Winston, Clk."

Indorsed: "Court ; SC No. 1864, receipt for original papers in the case of Joanna Barber et al vs. Cherokee Nation. Received and filed this . . . day of . . . 189. . . Secretary."

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FIRST. The Commission erred in rendering its decision on said claims adversely to the applicants upon the proof submitted by said applicants.

SECOND. The Commission erred in investigating the claims of appellants in the absence of a majority of the members of the Commission.

THIRD. The Commission erred in refusing the applicants the right and privilege of examining the proof submitted by appellee in support of the answer filed by the appellee and denying the appellants the right of filing replication to appellee's answer or producing proof in rebuttal of the same.

FOURTH. The Commission erred in denying the appellants the right of a trial of their claims by a competent jury, as granted to them by the laws and constitution of the United States.

FIFTH. The Commission erred in refusing appellants the right to be present in person, or by attorney, during the trial and determination of their claims before the said Commission.

SIXTH. The Commission erred in refusing to issue process for witnesses and to send for persons and papers when requested to do so by the appellants.

SEVENTH. The Commission erred in deciding against the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in deciding against blood, holding that blood was not a test of the right of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the question of residence, holding that residence in the Cherokee Nation was not a test of the right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their docket or record the grounds upon which the claims of appellants were denied and refusing to notify appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims or deny the same.

TWELVTH. That the Act of Congress approved June 10th, 1896, was unconstitutional and had no force or legal effect to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

THIRTEENTH. That Congress had no power by enactment to create, appoint and empower a judiciary, and said Commission erred in denying the claims of said appellants without any legal authority to do so.

Therefore, the appellants of said case pray that an appeal be granted to this Court and that a trial, de novo, be granted the appellants, and that said applicants be permitted to introduce new testimony, and that an order be made requiring said Commission to send all pleadings, papers and records filed before it in this cause to this Court, and that the Cherokee Nation, the appellee herein, be

at this writ and plead and defend against the appeal and show why the appellants should not by the rules, orders and decisions of this Court be adjudged entitled to citizenship in the said Cherokee Nation, and the appellants will ever pary.

(signed)

W. B. Watts,
A. H. Garland,
W. J. Watts,
Attorneys for Appellants."

Indorsed on back: "Cherokee Citizenship Case, No. 90 No 5 Joanna Barber et al vs Cherokee Nation Filed Dec 23 1896 Jas A Winston clerk Watts, Garland & Watts, Attorneys for Appellants."

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"SUMMONS.

In the
United States of America,)
Indian Territory, } ss.
Northern District.)

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the Northern District, Indian Territory:

You are commanded to summon the Principal Chief of the Cherokee Nation, or the Attorney General of said Nation, to answer on the first day of next May term of the United States Court for the Northern District, Indian Territory, at Muskogee, Indian Territory, being the 4th day of May, 1897, A.D. 189-- a petition praying an appeal from the decision of the Commission to the Five Civilized Tribes duly filed in said Court by Joanna Barber, Onia F. Barber, Wm R Barber, Jas E Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Emma Moore, Attie L. Hunt, Alony J. Smart, who claim to be entitled to be enrolled as citizens of said Nation, to the United States Court for the Northern District, Indian Territory, which petition is now pending in said Court, and warn him upon a failure to answer petition within thirty days from the time of the service of this writ, the same will be taken for confessed, and you will make due return of this summons within ten days after the actual service of this writ.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, this 28th day of Dec. 1896 A.D.189--

(SEAL)" (signed) J. A. Winston, Clerk.

"MARSHAL'S RETURN.

I received this summons this 28" day of December A.D. 1896 and served the same as follows: W. T. Hutchings, Attorney for the Cherokee Nation Indian Territory Accepted Service of the within at Muskogee, Indian Territory this 13" day of January 1897

(signed) W. P. Watts

Ex-Deputy-Marshal

By .....Deputy."

Indorsed on back as follows: "Citizenship Case No. 90 No. 6, Nation... Survey...Atty's for Claimants."

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"Joanna Barber et al.
vs. No.90.
Cherokee Nation.

Mr. H. A. Gibson, Special Master, to whom this cause was referred, submits the following report:

'IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,
NORTHERN DISTRICT, AT MUSKOGEE.

JOANNA BARBER ET AL)
-VS)- : REPORT OF SPECIAL MASTER.
THE CHEROKEE NATION.)
----------oOo----------

I, H. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings herein, which is hereto attached and made a part hereof, and that I find as follows:

I

This this cause was instituted on September 8th, 1906, before the Dawes Commission to the Five Civilized Tribes, by Joanna Barber, and Isaac J. Barber, her husband, and their Children, Onis E., Willie P., James E., Johnnie and Joel A. Barber. That Joel A. Barber has the following children, Hattie Toliver, George A., Frankie O., Jesse and Ethel Barber. That the application includes also Mary A. Bowser and her child Inez Bowser, Emma L. Murphy and her child Claud Murphy, Dora Loore and her children Anna J., Jackson D., Ruby M. Gladys, Attie L. Hunt and her child Dorina Hunt, Alsey J. Short and her children Georgia A. and Ezzey M. Short, Josepho J. Carlile House and her children Lyrtie C., Corn L. and Bertha M. Carlile House. That this application was by the Commission tried and rejected on October 20th, 1906, with no reasons given for the decision, and that subsequently on December 21, 1906, the claimants appealed to this Court. That the parties all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be admitted to citizenship in the Cherokee Nation by reason of their descent from Polly Rogers, who is claimed to be a Cherokee Indian by blood. That there filed in support of their application the affidavits of S. R. Dawson, E. Dawson, Francis M. Dawson, and F. A. Dawson, who testify that Joanna Barber is the daughter of Elizabeth Reavy, nee Dawson, who was the daughter of Polly Rogers, who was a full blood Cherokee Indian by the name of Sarah Dawson, and that Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann. That these witnesses are all Cherokee citizens by blood, associated with the

claimants, and according to their testimony, related to them by blood.

The appellee introduced to contravert this testimony the decision of the Cherokee Commission on Citizenship, rendered in the year 1907, in which these claimants were rejected by this Commission and also the affidavits of W. C. Rogers a grandson of Captain John Rogers, and Mrs. Sarah Carter, a granddaughter of Captain John Rogers, both of whom state that they never heard of any daughter of said Captain John Rogers by the name of Polly Rogers, and that Cynthia Rogers was his only daughter.

III

The claimants contend that they are residents of the Cherokee Nation, and are relatives of the Dawson family, who are recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west; that his name does not appear on the rolls of the Cherokee Nation, and that he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

The premises considered, in view of the unsettled condition of affairs in the Cherokee Nation at the time when Captain John Rogers, the ancestors through whom these claimants trace their Cherokee blood, lived, and especially in view of the absence of a marriage law and of records pertaining to marriage, I am of the opinion that these claimants have proven that they are descended from Capt. John Rogers, who resided in the Cherokee Nation, and was a recognized citizen, though they do not show that he was ever enrolled as such, and I therefore find that the claimants are all residents of the Cherokee Nation, Indian Territory, that they are all Cherokee Indians by blood. That they have resided in the Cherokee Nation since 1907, and probably longer, though the proof does not state definitely how long they have so resided.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted this 16th day of August, 1907.

(signed) N. A. Gibson,
SPECIAL MASTER.

Fee Paid.
No Exceptions Filed."

BY THE COURT.

From this report it appears that the claimants base their right to be enrolled as citizens of the Cherokee Nation upon the grounds that they are the descendants of a Cherokee Indian by blood, but their ancestors through whom they claim have never resided in the Cherokee Nation as now constituted. It appears that they have resided in the Cherokee Nation since 1907, and probably longer, though the proof does not state definitely how long they have so resided. It does not appear that the applicants or any of their ancestors have ever been recognized as members of the Cherokee Nation.

The judgment of the United States Commission rejecting this case is affirmed, and the application of the claimants

to be enrolled as citizens of the Cherokee Nation is denied."

Indorsed on back: "90 No.7 Joanna Barber et al vs Cherokee Nation, Final Report of Special Master, Filed August 17, 1897, Jos A. Winston, Clerk."

Foregoing papers in Joanna Barber case enclosed in jacket indorsed: "90 Joanna Barber et al vs Cherokee Nation."

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"NOTICE.

90

UNITED STATES OF AMERICA)
INDIAN TERRITORY (SS
NORTHERN DISTRICT.)

In the United States Court for said District.
In the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation.

To the Commission to the Five Civilized Tribes.

You are hereby notified that an appeal has been taken in the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said Court to transmit at the earliest time practicable to said Court, at Muskogee, Indian Territory, a transcript of all the entries made in the docket of your tribunal relating to the case, together with the depositions and testimony taken before said tribunal; the decision thereof on the application, and all original papers relating thereto.

Witness the Honorable Will H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 27 day of Dec. 1896. A.D. 189--.

(SEAL) (signed) J. A. Winston, Clerk."

Indorsed: "No. 1864 Joanna Barber et al vs Cherokee Nation, APPEAL ORDER OF U. S. COURT."

Foregoing paper enclosed in jacket marked: "No. 1864."

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BY MR. HUTCHINGS:

We now introduce the original record in the citizenship case of Irene J. House, et al., before the Commission in 1896, the court number of same being 238, said case being denied by the Commission; appealed to the United States Court, and the decision of the Commission affirmed.

In this case we desire to call especial attention to the certified copy filed therein of the testimony of Arthur Tucker, the certified copy having been made in 1894, being the testimony of Dr. Tyler in the case of Robert Dawson against the nation, number 103, before the Citizenship Commission, and which was made January 12, 1892.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The papers in Court No. 238, just introduced above, are as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19, 1882.

No. 108.
Robert Dawson et al) Exhibit C.
vs (
Cherokee Nation.)

Testimony for Claimants.

Witness, Dr. Arthur Baker sworn testified as follows:
My name is Arthur A. Baker I reside at Berryville Arkansas Carroll County my age is 77 years I am not a Cherokee. I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carrolls County more 35 years - At my Mothers house near Calhoun I became acquainted with the claimants Robt Dawson grandmother on Mother's side she was frequently at my Mothers house though she Anna Pruet lived in the Nation side; She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee, the first time she brought the claimants mother to my Mothers house she the Mothers Mother was about grown when I was a little boy. She called her daughter Polly Rogers, Said Captain John Rogers who was a Boat up the River was the father of the child; I saw the girl frequently there at my Mothers and there at Louis Ramses Store.

I saw her occasionally until I was 15 or 16 years of old and I think then Old Capt. John Rogers took her off to school, I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson, I stayed all night there with us and I had a talk over our old matters and I asked her where she became acquainted with Dawson and she said at the time she was going to school and she said after she left school that Dawson followed her home, to the Nation and they were there married. I have told that precisely in the words that she used, Capt John Rogers claimed to be one fourth Cherokee. The claimant is the son of Polly Rogers, and I know Polly Rogers to be the daughter of Anna Pruett and I know the claimant to be the son of Polly Dawson.

Capt. Rogers then reside in the Cherokee Country about twenty (word "twenty" marked through) twelve miles below Calhoun on the Hiwassee River Anna Pruett resided in the Cherokee Nation as long as I stayed there the Dawsons from I got acquainted with them Arkansas were recognized where they were as Cherokees. Robert Dawson children is Buck, John, Marian and two girls, The children named in the petition I recognized as being the claimants.

Question by Solicitor:

No. 1 How many children did Polly Rogers have?
Ans. 1 Five I think that's all.
No. 2 Did you ever see Polly Rogers married to some one besides Dawson twice?
Ans. 2 The claimant's mother married twice.
No. 3 Could Anna Pruett speak Cherokee?
Ans. 3 Yes, she could speak it well.

Ques 4 Did Polly Rogers speak Cherokee?
Ans. 4 She did when I was young.
Ques 5 How far did you live from Anna Pruet?
Ans 5 Just across the riva about 3/4 of a mile.
Ques 6 Was Calhoun in the Cherokee Nation?
Ans. 6 It was on both sides of the river part in the Nation and part out in the state.
Ques 7 Which Harnage was it went to Texas?
7 George went first, then John went, they were the sons of old man Harnage, that lived up near the line.
Ques 8 Did the Claimant go to Texas?
Ans. 8 No the Claimant did not go to Texas.
9 What connection was claimant and Polly Rogers?
9 The Claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.
10 Where does claimant now live?
10 He lives in Carroll Co Arkansas.
11 Do you know what relation old Capt John Rogers was to Charles Rogers here in Cooweescoowee?
11 They claimed kin but what kin I dont know there were two Capt John Rogers in the Nation I am speaking of the time when I first came to this country about the year 1830.
12 Was Anna Pruet the maiden name of claimants grandmother
12 Yes that was her maden name the Indian called her Sinee

his
(signed) Arthur x Baker
mark

Witness hand paralyzed is the reason why he signed by a mark thus x

I R T Hanks Assistant Executive Secretary do hereby certify that the foregoing document is a true and correct of the original as appears of record in the Executive Department of the Cherokee Nation.

Given under my hand and the seal of the Cherokee Nation on this the 5th day of December 1894.

(signed) R. T. Hanks,
(seal) Asst Exec Sec. "

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"To the Honorable the Dawes Commission on Citizenship in the Five Civilized Tribes in the Indian Territory:

Your petitioner, Irena J. House, undersigned, respectfully states that she is a Cherokee Indian by blood, as asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That she derives her said Indian blood from Joan ah Barber her mother, who is a Cherokee Indian by blood The said Joanna Barber being a daughter of Elizabeth Petty who was the daughter of Polly Rogers and Samuel Dawson, the said Polly Rogers being the daughter of Captain John Rogers and Anna (also Vann) Pruet, Cherokee Indians, as shown by a certified copy of the affidavit of Dr. Arthur A. Baker, which is hereto attached as Exhibit A also affidavits marked exhibits B- C- D- and E.

Your petitioner states the above facts as the lawful grounds for her application for citizenship in the Cherokee

Nation, and prays that her claim may be fully investigated by your Honorable Commission and that she be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 34 years, My Post Office address is Talala, Ind. Ter. My family consists of the following named persons: My husband and children as follows:
W. J. House, aged 34 years; Chas. C. House, aged 9 years; Vinson T. House, aged 8 years, Amy F. House, aged 5 years.

WITNESS my hand this 19 day of August 1896.
(signed) Irene J. House.

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Northern Judicial
District, Ind. Ter. SS.

Personally appeared before me, the undersigned authority, Irene J. House, to me known to be the petitioner in the above petition, who being by me first duly sworn upon her oath says that she is the petitioner in the above petition, that she has read (or heard read) the said petition and that the facts stated therein are true, as she verily believes.
(signed) Irene J. House.
Subscribed and sworn to before me at Talala, Ind. Ter. this 19 day of August A.D.1896.
(signed) J. Barricklaw,
Notary Public, My Commission expires
(seal) June 8 1899."

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"Exhibit A.
Northern Judicial Division,
Indian Territory.
Joanah Barber being duly sworn according to law, on oath states: My name is Joanah Barber I am of sixty one years old My Post office address is Watova Ind Ter- My husband occupation is farmer I am a Cherokee Indian by blood my mother being Elizabeth Petty (nee Dawson) Daughter of Samuel Dawson and Polly Dawson (nee Rogers) and said Polly Rogers is a daughter of Catt Rogers and Aney Vann (commonly called Aney Vann) the following Irene J. House is my daughter; she was born in Williamson County, Texas May 13th 1862, moved with her husband children to the Indian Terry and settled near Talala I Tery
(signed) Joanah Barber
Subscribed and sworn to before me this 19 day of Aug.1896.
(signed) J. Barricklaw,
Notary Public, My commission expires
(seal) June 8 1899

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"EXHIBIT B.

Indian Territory,
Northern Judicial District ss.
F. F. Dawson being duly sworn according, to law deposes and says:

My name is F. M. Dawson; I am 54 years of age; my post office address is Afton Indian Territory I am a farmer by occupation and reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my grandmother whose maiden name was Polly Rogers through my father Robert Dawson, my grandmother Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee. My grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1832 and settled in Western Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory, Robert Dawson, the father of the affiant was also a recognized citizen of the present Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson father of this affiant and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of said Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers The said Elizabeth Petty was the mother Of Joanna Barber who is a full cousin by blood of this affiant in the Indian side. The said Joanna Barber is the mother of Irene J. House nee Barber who is a second cousin of this affiant in the Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and drew their per capita money all the last payment; said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, derives her Indian blood and right.

This statement I have made to John H. Koo ler, a Notary Public at Lusho se Indi.. Territory and it has been written down by him at my dictation. Such part of this testimony which refers to matters occurin previous to my recol ection I know by means of family history and traditions which facts I have always b en taught and told of by my parents and grand parents from childhood up, th facts stated as occuring since my childhood I know of my personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irene J. House for citizenship in the Cherokee Nation.

(signed) F. M. Dawson."

"Indian Territory,
Northern District.

I John H. Koogler, hereby certify that the annexed and foregoing statement of affiant was dictated to me by F. M. Dawson and was subscribed and sworn to by him and was written by me from his oral statement at my office in Sequoyee Indian Territory this 14 day of August 1906, and I further certify that the said F. M. Dawson is personally known to me and that he is a creditable person and entitled to belief.

(seal) (signed) John H. Koogler,
Notary Public."

Northern Judicial District,
Indian Territory.

EXHIBIT D.

E. Dawson, being duly sworn according to law on oath states: My name is E. Dawson; I am 61 years old; My post office address is Talala, Ind. Ter. I am a farmer by Occupation, and reside in Cooweescoowee District- Cherokee Nation. I am a recognized Cherokee Indian by blood, and exercise all the rights and immunities of a Cherokee Citizen now living in the present Cherokee Nation. I was born in Carroll County Arkansas near Berryville. I derived My Cherokee Indian blood from My Grandmother Polly Rogers through My father, Robert Dawson. My grandmother Polly Rogers was a Cherokee Indian and was married to My grandfather Samuel Dawson in the old Cherokee Nation in Tennessee. My Grand Parents, Samuel Dawson and his wife Polly Dawson whose maiden name was Polley Rogers came West from the Old Cherokee Country in about the year 1833, and settled in Western Arkansas, and later came on to the Cherokee Nation. My father Robert Dawson was a recognized Member of the Cherokee Nation when he died, by reason of his Cherokee Indian blood.

The said Robert Dawson, the father of this affiant, and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of the said Samuel Dawson and Polly Dawson his wife who being the same Polly Rogers as aforesaid. The said Elizabeth Petty was the Mother of Joanah Barber who is a full cousin by blood of this affiant on the Indian side, the said Joanah Barber is the Mother of Irena J. House, whose maiden name was Irena J. Barber and a second cousin of this affiant on the Cherokee Indian side. This affiant further states that he has seventy five to a Hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians of the present Cherokee Nation and exercise all the rights and privileges of such Cherokee citizens, they having drawn their shares of the Strip money at the last per capita payment made by the Cherokee Nation.

Said citizens and relatives derived their Cherokee Indian blood from the same source, as did the above named Irena J. House.

I have made this statement before J. Barrickly, Notary Public at Talala, Ind. Ter, and affiant further states that he has no personal interest in the prosecution of the claim for citizenship in the Cherokee Nation of the said Irena J. House.

That the above facts which are within the personal knowledge of the affiant or within his years of discretion he knows personally, and the other facts that occured before the recollection of affiant he testifies to as that he has been taught from his family history and tradition.

That the relationship existing among all the people in the Cherokee Nation he knows from his personal knowledge and that they are related to the Cherokee Indian side.

(signed) E. Dawson.

Subscribed and sworn to before me this the 19 day of August 1896

(signed) J. Barrickly,
Notary Public, My commission expires Jan 1, 1900.
(Seal)."
Notary Public.

"Cherokee Nation,
Coowescoowee District.

"EXHIBIT E.

Before me the undersigned authority this day personally appeared W. A. Dawson who is to me well and personally acquainted, and after being duly sworn, deposeth and says, that he is well acquainted with Irena J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of Jonna Barber, who is a neice of Robt. & James Dawson, who are both Cherokee Indians and recognized citizens of the Cherokee Nation.

Affiant further states that Irena House is the grand daughter of Mrs. Petty, who was a full sister of Robt & James Dawson.

Affiant further says that he knows that Irena House is a lineal descendant of Annie Dawson whose ~~children~~ (line drawn through word "children") sons, Robt & James before spoken are recognized citizens.

Affiant further says he has no interest in this suit.

(signed) W. A. Dawson.

Sworn and subscribed to before me this 17 day of August 1896.

(signed) William Lynch
Notary Public.

(Seal) My term expires Feb 6 1900."

Forsgoin; indorsed on cover as follows:
"No: 5090 5464 Before the Dawes Commission on Citizenship in the Five Tribes. Irene J. House V.S. The Cherokee Nation. Petition and Proof, Will E. Linton, for Petitioner. Filed Sept 8 1896 A. S. McKennon, Com'r. Doniel. Filed Feb 20 1897 Jas A. Winston clerk."

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"Received of N. E. Jacoway, jr., Secretary to the Commission to the Five Civilized Tribes the original papers in the cause of .....vs.....Nation, as follows..... Witness my hand and official seal at Muskogee this the 20 day of Feb' 1897 J. A. Winston, Clerk."
(Seal)"

Indorsed: "Court No.238 No. 5464 Receipt for original papers in the case of Irena J. House vs. Cherokee Nation. Received and filed this ..... day of..... 189..."

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"Irene J. House et al,
vs. No. 238
Cherokee Nation.

Mr. N. A. Gibson, Special Master to whom the case was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSCOGEE.

IRENE J. HOUSE ET AL

VS # 238 REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION.

----------oOo----------

I, M. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings on file in this case which are made a part of this report, and that I find as follows:-

I

That this case is in reality a branch of Case No. 90, Joanna Barber vs Cherokee Nation, the principal claimant herein being Irene J. House a daughter of Joanna Barber.

That this cause was instituted on September 2, 1896 at which time application was made to the Commission to the Five Civilized Tribes for citizenship by blood in the Cherokee Nation.

That this case was tried by the said Commission on November 24, 1896 and the applicants denied, no reasons being given for the decision, and that on January 26, 1897, the parties appealed from said decision to this Court.

That this application was made by Irene J. House, her husband, W. J. House, and their children Chas., C. Winston T., and Henry W. House. That they file in support of their application the affidavits of Joanna Barber, T. . Dawson, Arthur A. Baker, E. Dawson, and F. A. Dawson. That these Dawson witnesses are citizens by blood of the Cherokee Nation, and state that they are related by blood to the claimants herein on the Cherokee side. The claimants base their contention of a right to Cherokee citizenship upon the fact that the claimant Irene J. House is the daughter of Joanna Barber, who is the daughter of Elizabeth Petty, who was the daughter of Polly Rogers, and that Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann, who were recognized Cherokee citizens by blood. That the testimony shows that this Dawson family are recognized citizens of the Cherokee Nation, and that the claimants herein are cousins by blood upon the Dawson side, and that they all claim through a common ancestor, Polly Rogers and Captain John Rogers and Ailsey Vann, who are all recognized Cherokee Indians.

II

The appellee introduces in defense the record of the application of these claimants for Cherokee citizenship in the year 1897, and the record of the objections of the claimants, and further the affidavits of Mrs. Sam Carter, a granddaughter both of whom state that they never heard of any daughter of Captain John Rogers of the name of Polly Rogers, and that she had only two children, one named Cynthia.

III

The Claimants contend that they are residents of the Cherokee Nation and are relatives of the Dawsons, who are

recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name does not appear on the rolls of the Nation, and that neither he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

IV

The premises considered, I find that the claimants are the descendants of Captain John Rogers, and that it was entirely possible that in the condition of affairs at that early date in the Cherokee Nation, especially owing to the absence of a marriage law and of records pertaining to marriage, that these claimants should be the descendants of Captain John Rogers by a daughter, Polly Rogers, of whom the affiants for the appellee may never have heard.

I find that the claimants are residents of the Cherokee Nation, Indian Territory, where they have resided since 1[illegible], and that they are Cherokee Indians by blood.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted, this 9 day of Nov 1897.

(signed) W. A. Gibson,
Special Master.

My fee paid,
No Exceptions Filed."

Foregoing papers indorsed on cover as follows: "238, Irene J. House et al V Cherokee Nation Final Report of Special Master, Filed Nov 10 1897 Jas A. Winston, Clerk."

Foregoing papers enclosed in jacket indorsed as follows: "[illegible], Irene J. House, et al vs. Cherokee Nation."

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By MR. HUTCHINGS:

Well we close for the present.

TESTIMONY INTRODUCED ON BEHALF OF THE APPLICANTS:

D. W. C. DUNCAN, being first duly sworn, and being examined, testified as follows:

BY MR. HOLCOMBE:

Q Please state your name, age and residence? A My name is D. W. C. Duncan, my age is 72 years, my residence, Vinita, Indian Territory.

Q Are you a duly recognized citizen of the Cherokee Nation by blood? A I am.

Q You have testimony in this case since before did you not, [illegible] the Dawes Commission? A I did.

Q Before the Commission I will say, the Commission? A The Dawes Commission? Q Yes. A Now I don't recollect the Dawes Commissioner was, that was the Vinita, or Muskogee.

Q [illegible] connected with the Cherokee citizenship [illegible] Dawes Commission?" A I was Clerk of the [illegible]

Q [illegible] what length of time? A I don't recollect the exact length of time I think it was about thirty days, during the continuance of [illegible] Commission, existance of that Commission.
Q You were the only clerk it had during its existance were you?
A I think I was.
Q You were Clerk of that Commission when it rendered a decision in favor of Robert Dawson et als, as found on page 114, of its record, numbered 108 (witness examines record referred to.) now in the possession of this Commission? A I was.
Q The members of that Commission were the same as shown by the [illegible] to this judgment were they? A The same, yes, sir.
Q [illegible], President of the Commission, Alex Wolfe and T. F. [illegible] Commission rendered that is correct, is it? A That's correct.
Q You were present when this case was under consideration by that Commission and when it rendered this judgment in the case? A I was.
Q Were you at that time acquainted with F. M. Dawson, commonly called "Red Bird Dawson", Campbell Taylor and Samuel H. Benge, who were attorneys, who were Cherokee attorneys at that time? A I might say that I merely knew Mr. Dawson; all I know of him was I saw him [illegible] as a party to the suit. I knew Mr. Taylor and Mr. Benge [illegible] relatively. I have known them a number of years.
Q They were Cherokee citizens were they? A They were.
Q Taylor was [illegible] generally as a Citizenship Attorney?
A I think he was.
Q Do you remember seeing him and Benge present at the time this case was under consideration by the Court? A Why I do not recollect seeing Mr. Benge, I cannot recollect, but I can recollect of seeing Mr. Taylor about the Court room now and then.
Q Do you know who submitted the case to the Court for the applicants? A Let me understand the meaning of that; who brought the case?
Q Who called up the case? A No, I don't recollect.
Q Do you remember whether that Commission rendered any other decision [illegible] found upon this record in that case? A I never had any [illegible] only one decision.
Q [illegible] in favor of or against the applicants? A It was in favor, I will say think that if there was another decision [illegible] I think the one that appears on the docket now before you, I have no recollection of it.
Q The only decision you have any knowledge of was rendered by you in this book as here shown was it not? A That is the only one that I have [illegible] knowledge of
Q [illegible] your money in connection with that case?
Q [illegible] pay you any money for your influence
A Never.
Q [illegible] directly or through any other [illegible]
Q [illegible] to the Court
[illegible] for the purpose of influencing [illegible] whatever.
Q [illegible] correct during that [illegible] that I was during [illegible]
Q [illegible] without reward to any court which [illegible] that judg-

ment? A I never observed anything of the kind; nothing that awakened a suspicion in my mind that he was engaged in that kind of Practice.
Q Did Campbell Taylor at any time after the rendition of that judgment pay to you any money as coming through him from Bud Dawson for any services which you had rendered to him in that case?
A Yes, he paid me some.
Q What amount? A My recollection is that I think it was a twenty dollar bill. I don't know but I had better go and state the transaction, all about it.
Q Yes, sir. A Mr. Dawson, Bud Dawson, during the trial of the case occasionally applied to me at my desk for writing paper, issue of a subpoena or transcript, something of that kind. I always treated him with courtesy and proper official consideration. He seemed to appreciate it, and whenever I did services of that kind to him, says he, I have no money, Mr. Duncan, but I feel as I ought to pay you. I told him I made no charges for such as that kind. And in passing I might state that I never received a cent for any kind of that work which I had been in the habit of doing for various parties before the Court.

After his trial was concluded, in the afternoon a little while before supper time I went to my hotel, The Whitehead Brick Hotel in Tahlequah; went to my room, felt a little tired, laid down upon the bed to rest. I recollect Mr. Duncan stepped into the room, drew a chair up to the bedside and sat down and commenced giving expression to his gratification at the success of his case, dwelling mostly upon the testimony in the case being so satisfactorily, establishing his Cherokee blood, and that he thought that he was entitled and that he had received justice by the Court. I listened to him, and we talked there I guess some ten or fifteen minutes; after a little he says, I must go to-morrow, I think he says to-morrow, I must go home,- he then lived down in Arkansas somewhere. Says he, Mr. Duncan, I believe I owe you something, ought to pay you something. Alluding, as I understood, to these little courtesies that I extended to him at my desk. Says I, I make no charges, Mr. Dawson, for services; if I have done you a good you are welcome. Well, says he, I feel indebted to you, I ought to pay you. I says, that makes no difference; I will leave that to you. Says he, I have hardly enough money to get back home. He shook my hand, and the last word he says to me, you shan't lose anything for your kindness to me. I thought he had reference to my services at the desk. That was the last I saw of Mr. Dawson, oh it must have been a year [illegible], I had located a little claim on the public domain up [illegible] District, at that time what I intended to be a farm, [illegible]. I didn't have any other improvements, ever there on [illegible] went over in that part of the country to look after my [illegible] across Mr. Dawson, he had come into the [illegible] built him a little shanty and was [illegible] he was very glad to see me; I [illegible] he said he had moved into the country [illegible], you are encroaching upon me here; he had [illegible] part of mine, mine had been made as long as it was entitled under Cherokee law. Well, says Mr. Dawson, I don't want to do you any wrong, I will pay you for your claim, and I will get to the matter in that way, that he as soon as we [illegible] together that he would satisfy me for it. [illegible] that point. It ran on then for a long time, I [illegible], - I think I met him in Vinita, and says he, did Campbell Taylor pay you any money that I sent to you? Says I, No, I have not seen Campbell Taylor.

Well, says he, I gave him some money and told him to hand it to you some time, and, says he, you ask him and he will hand it over to you I guess. Well we parted then. Well, went on for some time, some months; I happened to meet Mr. Taylor in Tahlequah; I met him on the street I think, jocularly I slapped my hand on his shoulder, says I, look here, did Mr. Dawson any money to me by you? He says, yes, and he pulled out what I recollect to be a twenty dollar bill, and handed it to me; I received it, and I received it with the idea that he was compensating me for taking my claim, or possibly for doing him those little services in the Court. Now that is the sum and substance of the whole thing.

Q Was not that twenty-five dollars, Mr. Duncan? A It might possibly have been, my recollection does not serve me exactly, it might have been 25 dollars.

Q Did Campbell Taylor pay you any other money as coming from Bud Dawson? A Never a cent.

Q Did he at one time pay you fifty dollars out of a hundred dollars which he had received from Mr. Dawson? A Never.

Q Did he on a second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson? A None at all.

Q He paid you no other money than that you have already stated, from Mr. Dawson? A Not a cent.

BY MR. McKENNON: We offer in evidence the judgment of the Cherokee Citizenship Commission before referred to, and ask that it be filed in evidence in the case of every application made by members of the Robert Dawson family who claim under it, or through Robert Dawson, as citizens of the Cherokee Nation, said judgment being found on page 114, Records of the Tehee Court, 1880 to 1884, case number 108, judgment dated January 11th, 1883, signed by Thomas Tehee, President, Alex Wolfe, T. F. Thompson, Commissioners. D. W. C. Duncan, Clerk Commission.

The said judgment just introduced in as follows:

"Office Commission on Citizenship,
Tahlequah, C. N., September 24th, 1881.
No. 108
Robt Dawson,
Elbert Dawson,
Jasper Dawson,
John Dawson,
Josephine Dawson,
Joseph Dawson,
Jane Dawson,
Molly Dawson,
Wilbron Dawson,
James Dawson,
Rial Dawson,
vs.
Cherokee Nation.

Petition for Citizenship

Continued by the Plaintiff, Oct. 5, 1881.

January 11th, 1883.
The above case continued by the Cherokee Nation till next.

term. Agreed by the parties that the above cause not be taken up for final disposition before the 4th day of Oct, 1882,

October 4th, 1882

It is agreed by the parties that this cause be finally disposed of at the next January term if the claimant is present demanding the same, if not, the same shall be then continued to the September term, 1883.

On this agreement Commission continues the cause till the next January term to-wit, January 1883.

And now this the 11th day of January A.D, 1883 this case coming on for final hearing, and all the evidence produced in the case being carefully read and duly considered by the Commission it was adjudged and determined, by the Commission on Citizenship that the claimants, Robert Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Jo erhine Dawson, Joseph D wson, Lee Dawson, Molly Dawson, Dibbon Dawson, Jarsa Dawson, and Rial Dawson, are Cherokees by blood; and that they are entitled to all the rights and privileges of Cherokee Citizenship within the Cherokee Nation, and that they should be, and they are, hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

(signed) Thos. Tehee,
President of Com.

D. F. C. Duncan,
Clerk of Commission.

Alex Wolfe, } Commission,
T. F. Thompson, } con.

Transcript turned to Claimants, January 11th, 1883,
(signed) D. F. C. Duncan, Clerk.

Marginal Note: "Case submitted by Claimant January 11th 1883. Case submitted by Solicitor January 11th, 1883."

Q Do you remember how many members of the Court were present when this judgment was rendered, or were all of them? A My recollection upon that point is not positive, but my impression upon what I know to be the practice of the Court at the time, seeing the names of all these Commissioners there, I can say with a great deal of positiveness that they were all present, because I never signed the name of one of the Commissioners unless he was present, attending to it or directing it.
Q The rendition of that judgment then was concurred in by all of the three judges? A It was.
Q Mr. Duncan, if there had been a decision rendered the day in this case while the Court was in session, adverse to those Claimants, would you have known it? A I certainly should have known it.
Q Was there any such decision of the Court? A None to my knowledge. I said my positively there was not.
Q How many of those judges are now living? A Only one.
Q Who? A Mr. Thompson.
Q Tehee and Wolfe are dead? A Tehee and Wolfe are dead.
Q How long have they been dead, do you know? A I do not know, quite a number of years. I wasn't living here, never lived here then when their death occured, and their death occured before I got knowledge of it. It is presumed by everybody that they are dead.

Q Do you remember to have seen any other entry of the Durnon case in the Court at that time than that appears there in your handwriting, Mr. Dunnan, except that, until after they have entered the conviction of the defendant,

(At this point an ante room conversation in the Court in which the examination is held, took place between counsel, which is omitted.)

BY MR. MURPHY:

Q Mr. Dunnan, when did you become a clerk of the Tehoe Commission Court? A It must have been sometime in December, 1884, at the time the Commission was organized immediately at the close of the Council in which they were appointed.

Q December 1884? A I think so.

Q What are you doing recording judgments here in your handwriting in 1883? A The Commission held its Court after they were elected sometime.

Q The Court was elected in 1883, wasn't it? A Well, I can't tell you, I don't pretend to say when the Court was elected, I did not have said at the time I was chosen clerk, I was chosen clerk just at the close of the session of the National Council of that year.

Q '84? A I think it was '84.

Q You entered up this judgment rendered January, 1883? A Yes, that was the session of the Commission.

Q That was before you were clerk of it? A Well I held the clerkship for some time you know continuously.

Q Well but when you come to say to us that you were their clerk when the case was passed on? A No, I don't mean to say to it.

Q How could you be clerk when the case was passed on in 1883 when you were not elected until 1884? A I am mistaken in that, '84 comes after '83,- it was the year preceding 1883, it must have been '82.

Q Your first entry in the Durnon case is January 17, 1883, isn't it? Q I don't recollect what my first entry was. (Attorneys show the record to witness) Yes, that is the entry there on the 17th,

Q And that was shortly after you became clerk, wasn't it? A Yes, shortly after I became clerk.

Q The case had been entered upon the docket before you became clerk? A I think so, yes; It was entered at the previous term of the session of the Commission.

Q In whose handwriting was the names of the three Commissioners signed to that judgment? A Durnon Judgment?

(Attorney shows record to witness again) A That is my handwriting.

Q All three names? A All three names.

Q The record there shows that you immediately have that day a transcript of the judgment, do you know who signed it? A signed the transcript?

Q Yes, sir. A I do not recollect now, this is, did I do writing?

Q Signed the names to it? A Yes, that's it.

Q You always signed the names of Tehoe and Wells didn't you? A I think I did pretty generally: I don't know of their ever trying to write their own names.

Q When Mr. Thompson was there didn't he sign his own name? A Sometimes he did, sometimes he simply authorized me to do it.

Q Have you any recollection of his authorizing you to do it except from the fact that you have done it on that score frequently? A I don't recall the exact or literal fact of authorization, but I can say positively that, considering the record, that he authorized me to put his name there.

Q Will you look at the original transcript hereby shown you and refer to in the judgment and say who signed the names of the Commissioners there? A (Papers shown to witness) A I signed them there.

Q You recognize that as your handwriting? A I do.

Q What made you when you were testifying at Vinita before Mr. Martin, on looking at the same signatures, and being cross-examined by me, say that it was not your signature and that the signature thereto attached was the signature of Mr. Thompson? A Occurred in this way: I had not seen any of the records in the case for about nineteen years. The exact transaction in the court had vanished about entirely from my memory; I recollected at that time, however, when I gave in my testimony before the Commissioner, Martin, that that was a practice of the Court at the time I served by which I signed the names of the full-blood members of the Commission, and Mr. Thompson either uniformly or occasionally signed his own name. I based my statement in that deposition upon my knowledge of the rule or practice in the Court, without comparing the docket and refreshing my memory. I made an incorrect statement when I said that that was not my handwriting; I am convinced now that it is my handwriting. That is the way it occurred, the way it happened.

Q Then you consider your recollection of the fact that Thompson when he was present and rendering a judgment signed it himself, better than your own knowledge of your own handwriting?

A No, I didn't so regard it. I simply spoke without advisement when I gave in that testimony; I subsequently been better informed and concluded that that was my handwriting and not entered by Mr. Thompson under the rule, but was one of those cases in which he authorized me to do it myself, and I did it.

Q Then you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and not from the effect of your judgment on your handwriting at present? A I simply corrected my testimony in reference to my statement in regard to this handwriting, this case.

Q And you wouldn't know then as I understand you whether or not that is your handwriting if it was not refreshed by that you consider to be exterior facts? A I should know it by examining, and thinking over the circumstances, I think I should recognize my own handwriting, but if the question should be propounded instantaneously without any advisement or preconsideration I might make a mistake.

Q You did recognize the names of Thomas Teher and Alexander Selfe as being in your handwriting at that time? A I was very clear and positive, as I so stated, that the names of those Commissioners were in my handwriting, and I was also certain by reflecting on the rule that they never signed their names with their own hand, but always authorized me to do it. I have no mention in my mind in regard to my handwriting in those signatures.

Q And then the third name, as I understand it, appeared in your printed handwriting; you had to think over the facts after words to determine whether that was your signature or not? A No, I don't think that if I had seen the circumstances, I would have been in a reasonable [illegible] I have been in the habit of at least [illegible] and I am under the impression—I do not think I am deceived—that his autography [illegible] to my own, since I started [illegible] that account.

Q You were asked somewhat at that time in your testimony by the fact that Mr. Thompson did more that make his handwriting and not merely didn't but A Mr. [illegible] that that was my signature, and by time to work to ascertain whether I was not right when not, and after so long a time I concluded that I was.

Q And he stated, anyway he didn't you, that he always signed the original himself when he was present? A I do not recollect what I stated, that I used the word "always", at that time, but at the time I was examined when the deposition was taken by inspection was that he did, but now I come to reflect any examination of the record I was convinced that I was wrong, that occasionally I signed for him.

Q Then you never found out that your testimony given on this like a year and a half ago was wrong until you examined the document before yesterday, and answered you are Mr. Thompson's signature?
A I don't know that I have thought of it since that time until yesterday or day before when examining the record.

Q So the only recollection that you have not aid the aid to your recollection that Thompson was present when this judgment was rendered was the fact that you see his name signed to it, in your handwriting, is it? A As a fact,—

Q You can answer that yes or no? A That seeing the handwriting aids my recollection and I recollect now that the commissioners were all present at the time that I signed it. I didn't their names out of court at all.

Q Was it in the forenoon now or in the afternoon ? A I don't recollect whether it was in the forenoon or afternoon.

Q In recollecting that they were all present when the record was signed, do you mean to say that they were all present when the judgment was rendered? A Yes, that is, you mean when the question of admission or rejection was voted upon?
A Yes. A They were present.

Q Did you make up the record at the time that they rendered the judgment, or make a memorandum of it, and then write up the judgment some days afterward? A The record was not written up immediately upon the decision of any case, but I wrote up the record after adjournment, generally in the evening, and presented it next day or when the next session was had, for signature; that was the practice.

Q But in this Dawson case you wrote it up the very day that it was rendered didn't you? A I didn't recollect as to that.

Q And gave them a transcript the very day it was rendered?
A I don't recollect as to that.

Q And indicated the giving of the transcript on the bottom of the judgment the day it was rendered? A I should say it was given at the date of the transcript.

Q That was a very unusual thing for you to do in entering up judgments? A To do what?

Q To noteon the bottom that you had given a transcript the same day the judgment was rendered? A No, I dont know that there is anything unusual about that.

Q Any other places in that record or more than one in any event that you have ever done that? A I don't recollect, and I don't recollect of giving anybody else a transcript.

Q That is what I am getting at: you gave them a transcript and wrote up your judgment and everything right away? A Pretty promptly after the decision: whether it was the same day or the evening, and if not next day, I don't recollect.

IT NOW BEING THE HOUR OF NOON, 12 M., THE COMMISSION ADJOURNS UNTIL HALF PAST ONE P. M.

AFTERNOON, THUR-1:45, P. M.,-APPEARANCES,-same as in forenoon; D. W. C. DUNCAN again on the stand.
BY MR. HUTCHINGS:

Q Do you remember what witnesses were before the Court? A I don't recollect now distinctly except Dr. Baker, I was about his ~~failure~~ because of the length of his testimony at the time it took to take it.
Q The Doctor was about the only distinct witness there was? A He is the only one now that I can call to mind.
Q There was probably another old darkey that testified who is not there? A I have no recollection to that effect.
Q The case was just decided really on Doctor Baker's testimony, he is about the only man that knew anything about the case? A I am not certain that Dr. Baker was the only witness; might have been others that has now escaped my recollection.
Q Doctor Baker's testimony was taken down in writing? A Yes.
Q There was not anybodys else taken down in writing was there? A All the testimony that was accepted in the case was taken down in writing.
Q Did you ever see anybody's else testimony in writing except Dr. Baker in that case? A That is not as I recollect, I don't recollect any other but Dr. Baker's.
Q You know whether that was taken immediately before the trial or at the trial or how was it? A It was taken in the presence of the three Commissioners during the session of the Court.
Q You mean the day that the case was decided or how? A I do not recollect whether the case was on trial more than one day, but my impression is that it was.
Q Do you know whether it was the same term of the Court or not? A I think it was the same term of the Court.
Q How many terms a year did that Court have, when not now do they last? A I don't recollect of but serving but one term.
Q Don't recollect the serving but one term? A Myself, it seems to me so.
Q You didn't go in until January of 1890 with you: your first record is a record of about the 14th of January 1890, as shown by the book, isn't it? A I don't recollect in that regard.
Q How would they take testimony in the case, then continue it, or how could they generally do about that? A I think they decided the case at the term in which they took testimony.
Q Can you say whether or not this testimony was taken in the case at the time it was decided or at the same time it was decided, or within a week or two of the time it was decided? A My recollection is that it was taken at the term in which it was decided; that was taken up, testimony heard that the decision was had at the conclusion of the testimony.
Q Well now, I see on October 4th, 1890, in your proceedings, the following entry reads: "It is agreed by the parties that this cause finally be dismissed at the next January Term, ..." [illegible] January, 1891, "if the plaintiff does not commence drawing in the case, this cause shall be continued to the next term ..." [illegible] agree out to Court's discretion continuance [illegible]

January and a September term; and this decision was rendered at the January, 1853 term. Now, under the testimony taken during the January, 1853, term, at the term this decision was rendered? A I find it impossible now to recollect those facts that are recorded there; although I can say about that, that the record shows the correct statement of the facts; but I cannot recall those facts.

Q Well there is a record here that this case was continued on the 13th day of January, 1853, upon agreement that it should be taken upon the 4th day of October, 1853; your record shows that there was nothing done in the case from January 13th, 1853 until October 4th, 1853; would you say that was correct? A I should say it was correct if it so stands on the books it is supposed to be a correct entry of the facts.

Q I will let you see the book for yourself; I don't want to misrepresent that and of it at all. (Hands entry in book to witness.) A I can't recall those facts in regard to the agreement.

Q Who took down the testimony of the witnesses in court? A I took it down.

Q You took down the testimony of Dr. Baker? A Yes.

Q He was cross examined by counsel for the Nations? A As to that I can't recollect; he was present, he was always present; I think likely he was cross examined.

Q And that testimony was in court at the time when the judgment was rendered in January, 1853? A I think it was, my impression is to that effect.

Q Well the court seems to have had no session as to this case from January 13, 1853 up to October 4th, 1853, according to the record? A (No response.)

Q You don't recall taking down any of the testimony in the case? A No sir, I don't.

Q And the probability is that he was not, while it was examined isn't he? A It might have been so. My recollection is that he was regarded as the main witness of the case.

Q He was quite an old man, about 75 at that time? A Yes, he was quite old.

BY MR. MCKENNON:

Q The testimony of Dr. Arthur Baker, from this record, appears to have been taken on January 13th, 1853 is that correct as far as you may know, or are able to state? A Is that Dr. Baker's testimony? (Attorney hands witness papers) A It appears to be, yes; I don't think that was the testimony that the case was decided upon, because his testimony was taken orally before the Commission, and I wrote it down; please let me see it. (Attorney hands said papers to witness.)

A Well, all I know about this is as I stated before, I can't recall those facts, but whatever the record says why I say that the record was made correct, according to the fact. (Witness takes copy of the testimony referred to to refresh his memory.) I don't find in reading that very clearly to my own understanding, but I gather from the subject matter in that testimony that it is in accord with Doctor Baker's statement; in exactly word for word I am not able to say, but that is the tenor of the testimony.

BY MR. HUTCHINGS:

Q In taking the testimony you endeavored to get down all the material facts that you could in the language of the witness? A Yes, very nearly word for word, as I could get it, of course there may be little variation made necessary by the construction of the witness' statement.

BY MR. McKENNON: Applicants object to all of the witness' testimony relating to the method of taking the testimony of witnesses at the trial, the character and effect of that testimony, and the number of witnesses, except so far as the same may be used for the purpose of testing the memory of the witness, because the same is incompetent, irrelevant and immaterial.

B. F. FORTNER, being first duly sworn, and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A B. F. Fortner.
Q What is your age? A 54.
Q You are a physician are you not? A I am.
Q Where do you reside? A Vinita, Indian Territory.
Q Do you hold any official position in your position? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the Legislative Committee of the Indian Territory and of the American Medical Association,-those are some, and the most important positions I hold at this time.
Q Are you a Cherokee citizen? A I am.
Q By blood or intermarriage? A Intermarriage.
Q Your wife is a citizen? A Yes, sir.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.
Q Do you know his general reputation in the community where he resides for honesty and uprightness of character? A I do, I think.
Q Is that good or bad? A It is good.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A About six or eight years, don't know exactly how long; known of him for ten years and personally I have known him about say six or eight years.
Q Do you know his general reputation for truth and veracity? A I do.
Q Is that good or bad? A It is bad.

BY MR. HASTINGS:

Q Mr. Du can belongs to the same church you belong to? A Yes, sir.
Q And has for a number of years? A Well now I say I think he does; I have always so understood.
Q Don't keep up with all your members? A No, but he has attended church there and my impression has been that he is a member of the church.
Q You didn't have any business before the Citizenship Court of which he was clerk, did you? A No, sir, not that I know of.
Q You was not at Tahlequah while he was clerk of a Court from 1898 to '3? A I don't believe I was.
Q Never had any business before that Court? A Had no business before then, nor while he was Clerk to my knowledge.

BY MR. McKENNON:

Q You spoke of his membership in the church; he is in good standing as a member of the church is he? A Yes, sir.
Q I will ask you if Campbell Taylor's reputation isn't notoriously bad? A Yes, I have so understood it.

BY MR. HASTINGS:

Q I will ask you if it was notoriously bad in [illegible] so people employed [illegible] to represent them before the Court? A [illegible]

Q But so far as you know his bad reputation dates back so far as you have any? A So far as I know him.

G. W. MILLER, being duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A G. W. Miller.
Q What is your age, Mr. Miller? A 61.
Q Where do you reside? A Minita.
Q How long have you lived there? A Well I have lived there altogether about 17 years I guess, or 14.
Q Are you a citizen of the Cherokee Nation? A No, sir.
Q What is your business? A Real estate and insurance agent.
Q Do you know B. W. C. Duncan? A Yes, sir.
Q How long have you known him? A I have known him twenty years.
Q Do you know his general reputation for honesty and uprightness of character where he lives? A Why yes sir.
Q Is that good or bad? A It is good, so far as I know.
Q Do you know Campbell Taylor? A Yes, sir.
Q How long have you known him? A Well I have known him 18 or 20 Years, I guess.
Q Do you know his general reputation for truth and honesty? A Well yes.
Q Is that good or bad? A Well, it is bad, I think.

ATTORNEYS FOR CHEROKEE NATION waive cross examination.

W. H. CURTIS, being first duly sworn and being examined testified as follows.
BY MR. McKENNON.
Q What is your name? A W. H. Curtis.
Q How old are you, Mr. Curtis? A 56.
Q Where do you reside? A Afton, Indian Territory.
Q How long have you lived in the Indian Territory? A 20 years.
Q What is your business? A Lumber business.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A About 20 years.
Q You know his general reputation for honesty and uprightness of character in the community where he lives? A I do.
Q Is that good or bad? A As good as any man's.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A Some 20 years, I suppose.
Q Do you know his general reputation for truth and integrity and honesty? A Yes sir.
Q Is that good or bad? A Bad.
Q Is it notoriously bad? A Yes.
Q Did you ever known Dr. Baker, Dr. A. B. Baker, of Berryville, Arkansas? A Yes sir, I knew him in '68 and '69.
Q Where? A Over at Berryville; I ran a saw mill in that country at Berryville.
Q Did you know his general reputation so far as honesty and uprightness of character and truthfulness? A Yes sir.
Q Is that good or bad? A Good sir. Good as any man's; he is a good Christian gentleman.
Q Did you know well enough to know his habits of life? A Yes sir.
Q Was he in the habit of taking liquor, drinking liquor? A Not that I [illegible] of [illegible] ever saw him take a drink in my life.

Q Was his character such as to preclude any such charge against him? A It was, yes sir.

BY MR. HUTCHINSON:

Q How long did you know Mr. Baker? A Two years.

Q What does he do there? A He had an old gentleman that he lived right in the edge of Berryville, Dr. Baker.

Q How old do you think he was then? A I think he must have been 65 or 70 years old, an old gentleman.

Q That was in 18 what, 60? A No sir, it was in '62 and '63, the two years that I lived over there.

Q He had retired from business? A Yes, sir.

Q Did he have any family? A Yes, sir.

Q What family did he have? A I don't know how much family he had, I am not acquainted with the old gentleman.

Q He hasn't been any business with anybody? A No sir.

Q And his character was never called in question one way or the other was it? A No sir, no sir.

Q Campbell Taylor was a notorious rascal pretty much ever since you ever knew him wasn't he? A Yes sir, I never know much good of him.

Q And whenever a man got a bad citizenship case he got Campbell to work it, because he was notoriously a rascal; that's it ain't it? A Well a great many of them got him.

Q It was a notorious thing that they had a bad case they would get him, it would sort of give a case a bad odor to have Campbell around it? A Yes, that would be right.

Q You never knew anything about Mr. Duncan's connection with citizenship matters? A No sir, never did.

Q You never heard about his stamping none of the records of citizenship cases? A No sir, never did.

Q You have heard lots of talk about this Dawson case? A Yes sir.

Q Rumor had it all around that somebody was doing something wrong? A Yes sir.

Q You never accused him of it you think? A I never heard him accused of it, no sir.

Q That rumor got out from the first day they were admitted right up to the present? A Well I don't know not from the first day. I have heard it for a good while though.

Q But you never knew who they fixed it on? A No sir.

Q They have been a pretty strong family up there in that country haven't they, pretty large family? A Yes sir.

Q Cast a good many votes up there? A Yes sir.

Q Did you ever know of the Doctor's testifying any in court, Mr. Baker? A No sir, I never did.

Q What would you think of a man who would testify that he knew a girl that was single in 1825 when the youngest of her seven children was born in 1823: what would you think, would you think that was a statement to be made by a man who was truthful? A -

BY MR. McKENNON: Applicants object to the question because it is wholly incompetent, and not based upon any proof or admitted facts in the case, and it is wholly immaterial and incompetent.

Q You think that was a statement that would be made by a truthful man? A (No response.)

Q You know him in '62? A Yes sir.

Q He was quite an old, decrepit man? A Yes sir, quite old, '62 and '63.

Q 14 years from that time he was liable to go in his goings?
A I don't know, he was a man when I knew him.
Q He was too old to vote, and retired from business then? A Well he did, I guess some deal, but wasn't doing any business particular that I knew of.
Q He would have been really old 14 years from that time? A Yes, he would be getting old.

D. H. HARRO, being first duly sworn and being examined, testified as follows:

BY MR. McKENNON:

Q What is your name? A D. H. Harro.
Q What is your age, Mr. Harro? A I am 44.
Q What is your business? A I am publishing a newspaper.
Q What paper? A The Indian Chieftan.
Q Are you Editor of that paper? A Yes sir.
Q You live at Vinita, then? A Yes sir.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q Do you know R. W. C. Duncan? A I do.
Q How long have you known him? A 12 or 13 years.
Q Do you know his general reputation in the community where he lives for honesty and uprightness of character? A Yes sir.
Q Is that good or bad? A Good.
Q Do you know Campbell Taylor? A Yes sir.
Q How long have you known him? A Why 15 years or longer.
Q Do you know his general reputation for truth and honesty in the community? A His general reputation, yes sir.
Q Is it good or bad? A Well it is not good.
Q Is it bad? A Well I suppose it must be bad then.

BY MR. HUTCHINGS:

Q How long has Campbell's reputation been bad, Mr. Harro, quite a good while, hasn't it? A Why I think so, yes sir.
Q Did it kind of begin mostly with this citizenship business? A Yes, so far as I know it did, yes sir.
Q Campbell got so many bad citizenship cases and through the mails, and they finally had him up about it, had a good deal of stir about it? A Yes sir.
Q And some of that stir was sort of occasioned by his helping the Downens in wasn't it? A I don't know, I don't know whether he helped the Dawsons.
Q Was not that one of the principal cases that brought him into notoriety? A I don't know whether he had that case or not. I know he had a great many cases.
Q That was the principal thing that convinced the Civil Campbell out, was citizenship cases here? A I think that is what got him into the most trouble.
Q I say before that time nobody had talked much about Campbell one way or another, and it became pretty general that Campbell was handling shoddy citizenship cases, and he got a bad reputation from that? A Yes sir, I think that was the impression generally.
Q How Mr. Duncan's connection with the Dawsons once sort of been a bad luck; people never talked much about it? A I never heard anything about it, as I know of.
Q You have heard that there was something, some, about the Dawson cases, that has been a notorious thing? A Oh it is a well known case, yes sir.
Q Well is not that of Mr. Duncan's reputation for truth and honesty as well as that [illegible] in his wife, he [illegible] in that?

Q His reputation for truthfulness is shown given by himself; he takes occasion to confess that very often himself; doesn't he?
A I don't know whether I am qualified to answer that.
Q Speaking of his own honesty, he does that very frequently?
A No sir, not that I know of.
Q Doesn't he write a good deal about that sort of thing? A About his reputation?
Q Why in speaking of his own integrity? A I don't remember that he does.
Q You were not about the citizenship courts along in 1881 & and '3 were you? A No sir.
Q Don't remember about the talk that was going on around the Capital over there about the citizenship cases? A Why no, don't remember anything special as I know of. I remember the citizenship court going on at different times.
Q How far were you living from Tahlequah in '83? A Well, I lived close to Vinita, I guess it is sixty miles probably.
Q Have you lived any nearer Tahlequah since that time? A No sir, never have.

H. L. BUTLER, being first duly sworn and being examined testified as follows;
BY I.R. McKENNON:
Q What is your name? A H. L. Butler.
Q You are a Minister of the Gospel? A Yes sir.
Q M. E. Church, South? A Yes sir.
Q How long have you been in the ministry? A I have been in the ministry 28 years, sir.
Q Did you ever live at Vinita? A Yes sir.
Q How long? A I was there four years, sir.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A I have known Mr. Duncan 21 years.
Q Do you know his general reputation for honesty and truthfulness of character? A I do.
Q Is that good or bad? A Good, so far as I know.
Q You have had opportunity of knowing? A Yes sir.
BY MR. HUTCHINGS:
Q Mr. Duncan was a member of your church? A Yes sir.
Q That is the principal way you have of coming in contact with him?
A Yes sir, he was a member of my official board.
Q His connection with citizenship cases that were decided by the court of which he was clerk was never brought up in your presence anywhere? A No sir.
Q Or never discussed? A No sir, I know nothing about his connection with it.
Q You didn't live about or near Tahlequah in '83? A Yes sir, I was Pastor of the Methodist Church in '83 at Tahlequah.
Q Did you hear about the Dawson case, and other cases admitted over there by the Citizenship Court? A No sir, I know nothing about the cases; I remember when the Commission was in session, and remember that he was clerk of the Commission, but knew nothing about the cases that were decided at all.
Q Never heard anybody discuss the cases that were decided? A No sir.

THOMAS A. CHANDLER, being first duly sworn was heard, examined, testified as follows:

BY MR. McKENNON:

Q What is your name? A Thomas A. Chandler.
Q What is your name, Mr. Chandler? A I am?
Q What is your business? A Deputy Clerk of the United States Court at Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know Curt Duncan? A Yes sir.
Q How long have you known him? A Well as many I have known him about nine or ten years.
Q You know his general reputation for honesty or uprightness of character in the community where he lives? A Yes sir.
Q Is it good or bad? A Good so far as I know.
Q Do you know Campbell Taylor? A Yes sir.
Q How long have you known him? A I think about 15 years.
Q Do you know his general reputation for truth and honesty? A Yes sir.
Q Is it good or bad? A Bad so far as I know.

BY MR. HUTCHISON:

Q How did Campbell Taylor get a bad reputation? A As I sir, I don't know how he did.
Q You never knew his until 1885? A Well I never knew him personally, I heard of him before that.
Q He had a bad reputation before '85? A Yes sir.
Q Bad reputation way back yonder? A First I remember I ever heard of him I heard people speaking bad of him when I was a kid.
Q And everybody that came around the Nation had anything at all they Campbell had a bad reputation? A Yes sir, ever so far back as '79 or '80, that is as far back as I could remember? I think I heard it spoken of in '80, I think that's about the time.
Q And Campbell got a very bad reputation in '80 and '81 when we began to have these citizenship cases? A Yes sir.
Q You heard him spoken of in reality and using the mails for those business? A Yes sir, I heard of him being in the Fort Smith Jail on that account.
Q Citizens of the Nation talked a good deal about Campbell's being in these bad citizenship cases? A Yes sir.
And I also heard he had a bad reputation for paying his debts, also about the same time.
Q You don't know whether he had the money, he might not have had the money to pay his debts? A No sir.
Q He could have kept out of bad citizenship cases? A Yes sir, I suppose he could.
Q You never heard Mr. Duncan's name mentioned before in connection with the Duncan case, citizenship cases? A No sir, I don't think I have, I may have, but I don't remember hearing it.
Q General impression that somebody had done something wrong with that matter, citizenship cases? A I heard there was something wrong in connection with the Duncan citizenship case.
Q That has been in notoriety ever since it was settled? A Yes sir, I have heard it mentioned around over the country that a citizen was.

Q They do a pretty large voting capacity on the roll, Campbell was never investigated? A I don't know about that, I don't think it was ever investigated, I never heard of it.

Q ...ver have any answer to him, did he ...
A No sir.
Q ...re did you live in 1897? A In '97 I lived on Dick Creek about 12 miles south-east of Yanito.
Q How far from Yellowpoint was that? A About 25 or 30 miles, I suppose.
Q You never were around before the citizens in court and during that time? A No sir.
Q You don't know whether or not he owned and operated the saw-mill at Mount A No sir, I do not, at that time.

MR. HOUSTON: I object to all of the testimony of this witness as to what he heard by way of rumor, about the character of the enemy case, because it is hearsay, immaterial, irrelevant and incompetent.

J. S. HOUSTON, of counsel for Appellant, being first duly sworn, makes the following statement:

I became a resident of Carroll County, Arkansas, early in 1895. I was immediately acquainted with Dr. Arthur Baker, for many years. Knew him as well as I did anyone alive. He was a gentleman of the highest Christian character, as recognized by everybody who knew him. He was a sober man, and never drunk liquor. I make this statement here in vindication of that good man's reputation for any other reason, because any imputation against his character is false.

BY MR. HASTINGS:

Q How long did you know him? A I resided in Carroll County until 1897 when I removed to Johnson County, Arkansas; during the war I was away from home, but I knew him intimately every year that I resided in Carroll County.
Q Did you know him since 1897? A Yes sir, I have seen him several times. I have relatives living in the town in which he lived; my relations to him were such as to cause me always to inquire about Doctor Baker; I knew his reputation I think as well after I left there as I did when I lived there.
Q Did you know those facts in 1897 when you were a member of this Committee? A Yes sir, I have known them all my life, and I know them now.
Q Did you know that when you were a member of this Committee on the Isaac J. Rouse case? A I knew it every day of my life, in fact he was on me.
Q Did you know Doctor Baker's opinion as to what should appear that he was born in the year 1858, or anyone he said when he was 15 or 16 years of age that Aggie Pruett the wife of Sandy Dawson, was a grown woman and went to school, when the other undisputed evidence shows that she was married Sam Dawson prior to that time and had seven children, the youngest of whom was born in '83, how could you harmonize that with a man who was an honest man and knew the facts in the case? A Yesterday Dr. Baker stated he honestly believed, whether it was right or wrong, whether it was error or truth, he honestly believed it, and stated it as he believed it.
Q He was capable of being in error? A Every man is.
Q I say he was? A Yes sir, just as you and I and every man, he was; I merely stated as to his character, which could be proven, by every one who knows, as I think, I know it.
Q The Committee reported Isaac J. Rouse in 1896, of which you were a member? A I could hardly say anything about that personally.

TESTIMONY ON BEHALF OF CHEROKEE NATION.

DAVID MEREDITH, being first duly sworn, and being examined, testified as follows:
BY MR. HUTCHINGS:
Q State your name? A David Meredith.
Q Where do you reside? A Vinita.
Q How old are you? A 60 years old.
Q Did you ever know James Dawson? A Yes sir.
Q How long have you known him? A I knew him probably 8 years.
Q Did you ever have any talk with him about his citizenship case.
A Very little.
Q You were at one time an applicant before the Dawes Commission for citizenship were you not? A Yes sir.
Q Tell what did Mr. Dawson tell you with reference to his citizenship, as to the cost of his getting it, if anything? A Why he told me it cost him eleven or twelve hundred dollars to get his case through.
Q Where did that conversation take place? A At Afton.
Q At what time? A It was in '38, spring of '38.
BY MR. McKENNON:
Q Where were you when he told you that? A I was working on a house in Afton, building a house.
Q Whose house? A S. S. Haines.
Q Who else was present? A Haines was present.
Q Where is he? A At Afton.
Q What age man was Mr. Dawson at that time? A I don't know, he was very old, probably 75 years old.
Q Was he not a very feeble man? A Yes sir.
Q Hardly able to get around? A No sir.
Q Was he not then regarded as feeble minded old man? A I don't know whether he was so regarded or not.
Q You don't know what he had to do with the case, in fact, himself, do you? A No, I judged it was himself and family that cost that much to get through; attorney's fees, etc. That is the way I took it anyway.
Q You were an applicant yourself were you not? A Yes sir.
Q When? A At that time.
Q Before the Cherokee authorities? A Yes sir.
Q They rejected you? A Yes sir.
Q You were an applicant then before the Dawes Commission were you?
A Yes sir, been rejected ever since.
Q Are you still an applicant? A Yes sir.
Q Still trying to get in? A Yes sir.
Q Claiming by blood? A Yes sir.
Q How long have you been living in the Cherokee Nation? A 15 years.
Q Where did you come from? A Indiana.
Q Claiming to be a Cherokee citizen? A Yes sir.
Q Indian? A Yes sir.
Q James Dawson is dead is he? A Yes sir.
Q How long has he been dead? A I think he died probably two in two years after that.

TESTIMONY TAKEN ON BEHALF OF THE APPLICANTS.

F. H. DAWSON, being re-called and further examined, testified as follows:
BY MR. McKENNON:
F. H. Dawson? A Yes sir.

Q Mr. Dawson, what member of your family came to the Cherokee Nation in 1839 and was engaged in the clerk's office, Robert Dawson, and he was engaged in his family to Cherokee citizenship? A My brother Tom Dawson was not living then.
Q Tell his name. A Robert Dawson, they all knew him by that.
Q When you first, A In '81 I was living on the Illinois River, I don't know which it was in '81 or '82.
Q Did you file your claim at that time? A My brother was, yes, the application was pending and Joel Mayes he took it and filed it. That is interesting.
Q Joel Mayes, who afterwards was Chief of the Cherokee Nation?
A Yes sir.
Q Before what court was that filed? A My understanding was he was clerk of the court, that was all I know what court he was clerk of.
Q He was clerk of the Court at that time? A Yes sir, of the citizenship court, that's my understanding.
Q What was done about the case at that time, if you remember? A I went back home and left my brother down there at that time, that trip.
Q Where did you then live? A I lived at Tahlequah, Ark ansas.
Q When did you next come to the Cherokee Nation? A I believe I came back the next January, that was in Setting by.
Q Was your brother back here then? A I don't think he was, I don't remember.
Q Well had he at any part of the Court or session of the Commission at any time after you first came here and filed the application until after it was decided? A No sir, I never saw him any more until that case was decided.
Q You conducted the business then after that did you not? A Yes sir.
Q The case was finally determined 11 January 1883? A '83, yes sir, the 11th day as I remember.
Q Were you present at that session? A Yes sir.
Q Was there any decision of that case other than the one of record here? A I never heard of it if there was.
Q Was the judgment rendered in that case as recorded in the record Book of that Commission now in the custody of the Dawes Commission the only judgment that was rendered in that case so far as you know?
A Yes sir, so far as I know, if there was any I never heard of it in that case.
Q You then knew of no decision against you in the case? A No sir.
Q Who was your attorney employed at the beginning? A I employed A. H. Redmond.
Q Was he a Cherokee citizen? A Yes sir, I think so.
Q Where did he live? A At Claremore, my understanding.
Q Was he present at any time before the Commission? A I never saw him, he never was in the room before the Commission.
Q Did you pay him any money? A Yes sir.
Q How much? A Fifty Dollars.
Q Did he ever render any services? A If he ever did I never knew it.
Q Well then who did you employ? A My brother employed Joel Mayes.
Q Was he a Cherokee citizen?
A That is my understanding.
Q Was he not a prominent Cherokee citizen? A Yes sir.
Q What service did he render? A Well sir, I don't know whether he rendered any or not, only he met us a time or two at Tahlequah, and he was before the Commission whether he rendered any services

or not I don't know; he was generally always at Washington City during the Term down there.
Q Well what did he do about it? A I don't know, I couldn't say whether he done anything about it. That is Mr. Bryant, he was always gone.
Q What next was done about the employment of an attorney? A Why I got a letter from Joel Bryant that he was going to Washington City and for me to come down in January Term and Campbell Taylor would see to my suit before the court.
Q Did he say that he had arranged the services of Campbell Taylor the attorney, to sue it in his absence? A Yes sir, in his absence.
Q Have you got that letter? A I don't think I got the letter.
Q Tell what did you do then? A Why when the time come I come down on the City to Muskogee here and I pass over from here to Fort Gibson and I pass down to see Uncle Houston Benge and stays all night with him; it was very cold weather, and I got him to go over and submit my case to the court; I went over one day and the next day Uncle Houston Benge come over and the next morning after he come over the case was submitted.
Q Did he submit the case? A Yes sir, he told me so.
Q For you? A Yes sir.
Q Were you present? A I was present until they went to take the vote on the case and then we was drove out of their room and they had a secret session, acting on the case.
Q Was Houston Benge present with you? A Yes sir.
Q Were you in the court when he submitted it to them? A Yes sir, when he made his argument.
Q He made an argument before the Commission? A Yes sir.
Q Was the decision rendered on that day? A Yes sir.
Q How long after he made his argument and submitted the case? A Was not but a little bit; when we were drove out of the house the first time before they went into secret session they wanted me to get up the cigars to the court and the crowd in the house; after the decision was rendered then I was to get up the cigars, and everybody come to me and told me to go and get the cigars and I done so.
Q And you took the cigars there and all? A Yes sir, everybody, the attorneys and all that was in the house, all had a cigar.
Q Did they then announce their finding in the case? A Yes sir, they told me that I was granted by citizenship right and by the Commission.
Q What did you do about it then? A The the clerk wrote a out my certificate.
Q That same day? A That same day.
Q What arrangements did you make with Mr. Benge about his fee, and what was the amount of his fee? A There was no arrangements made until we got up there and he submitted our case; then he stated to me, he charged me fifty dollars, that was his fee.
Q What was the agreement about the matter, the manner in which that fee should be paid? A My brother in Texas was to pay it.
Q Were you to write or was he to write? A He was to write for it.
Q Did your brother in Texas ever pay this fee of fifty dollars? A Yes sir.
Q Was that all that was to be paid? A All that I have ever known of.
Q You never was asked for any more than that? A No sir.

Q Mr. [illegible] you paid him $[illegible] before [illegible] to Tahlequah, is that so? A No sir.
Q You will not say you paid him fifty dollars after he got over to [illegible] Q Never paid him a cent in my life.
Q [illegible] A I went to Arkansas.
Q By what route? A I went by Gilroy, Springfield and on by Spring Dale and I do not know, took Summitville, there and went on by Salina and by Tahlequah I guess now.
Q You then did not return to Fort Gibson with Donald Vaught as stated? A No sir, I did not.
Q You did not return by way of Fort Gibson? A Well I took anyhow the nearest way to the cheapest road and struck a back going out on San Bois when I was coming in, I could go to Silo, Spring and I went by that route and then there was a back going by Spring Dale, that was the first direct route.
Q That was the most direct route from your home was it not? A Yes sir.
Q All to Chelsea? A And the cheapest route.
Q Had you been coming back to Fort Gibson you would have been going directly away from home would you not? A Yes sir.
Q You have been nearly east, due east of Tahlequah was it not? A Yes sir, little north of east, pretty near due east.
Q While Fort Gibson is almost due west is it not? A South west.
Q You heard Mr. Wisdom state that you came to Fort Gibson with [illegible] and as you say you stated to Mr. that it was up to Judge [illegible] Grayson Bynum and you reached there through Donald, five hundred dollars, did you make that statement? A I never did, I didn't have the five hundred dollars to reach him.
Q Did you while at Tahlequah inthe court room on the evening before this judgment was rendered in your favor, tell you that the court had rendered a judgment against you? A No sir.
Q And did you then say to him, you never did that? A I had no such conversation with him.
Q Did you pay to D. C. G. Duncan, who was the Clerk of the court any sum of money, or agree to pay him any sum of money, directly or through any other person for any services he might render you by way of influencing the court to decide it your favor? A No sir.
Q Or for any other purpose? A No sir.
Q Did you pay him any money after that through Campbell Taylor?
A Yes sir.
Q What amount? A 20 or 25 Dollars, I don't know which it was.
Q State what that money was paid for? A For a claim.
Q What do you mean by a claim? A Claim on the Public Domain; he had [illegible] close to me; paid him 20 or 25 dollars for his claim, he has no claim to me, on the Cherokee Public Domain.
Q What did Campbell Taylor have to do with your home?
A He had nothing to do with it.
Q Did you agree to pay him any money for his services as an attorney? A No sir.
Q Did he perform any services in that case foryou as a representative of Joel Bryant? A No sir.
Q Did you pay him any money? A Yes sir.
Q In what amount? A He came to me and said he had the claim [illegible] for Joel Bryant and wanted me to pay him the money and I done so.
Q What amount? A Hundred dollars.

Q [illegible] A [illegible]
Q Did you pay it over to Joel Brown, to your knowledge? A Joel [illegible] I paid him a hundred dollars of what I got from Mr. Dupont. Joel Brown paid Joel Smith; after that he came to me and got a hundred dollars from Campbell Taylor, and this twenty dollars or thereabouts dollars; and in all I paid over to Joel Brown.
Q How did you get that $5 dollars out of Mr. Dupont? A I don't remember; but I think that's what he paid me, he suggested no services to be paid all and the money was to go to Joel Brown, and I finally worked it down to twenty or twenty-five dollars, but that all I ever did get back.
Q The amount that he paid to Dupont? A Yes sir.
Q You think they paid to him this one hundred dollars, while you were there at the time the judgment was rendered, or was it sent to him afterwards? A I think it was paid then, as well as I remember about it.
Q You think it was paid then? A Yes sir, that's my recollection now.
Q Did you remit one hundred dollars after you went away from there, subsequent to the rendition of that judgment, after it was rendered? A I don't remember. I don't think I sent any fifty dollars of that or any other sum to D. W. C. Dupont? A No sir.
Q Did you send him a check for one hundred dollars with such direction? A No sir.
Q Mr. Brown, do you [illegible] to obtain this claim for the Cherokee Nation under this judgment? A Pretty much it I do.
Q Well about that, now? A About five hundred dollars, pretty near 500 dollars. That is what I considered, I was beat out of some of my money, what I was beat out of and expenses.
Q Now take a statement of what that money was paid for and how, so far as you remember, itemize that now? Tell the first fifty dollars Joel Brown got; the next fifty dollars you got; that was the attorneys fees; I speak of the Attorneys fees now: the next money was the hundred that Campbell Taylor got; the next attorney fees was Bryant's one hundred dollars.
Q Was that all the attorney's fees? A I think it was, no, wait, I paid Ross 15 dollars for taking Baker's deposition.

Q Which Ross was that? A The old Chief, Will Ross I think. His name, William P. Ross.
Q He then, this Chief William P. Ross for taking the deposition of Dr. Baker charged you fifteen dollars? A Yes sir.
Q Do you recall by that that he acted as your attorney and examined him? A Yes sir.
He examined Mr. Baker before the Commission, took his statements.
Q What other attorneys were there present? A None of them was present.
Q Well now, go on? A For the expenses of taking Dr. Baker and he was a Doctor, as well as I remember he charged $5 dollars a day and I was two and his expenses down there; we came through a little place Maysville, Arkansas, to Richmond, and our board and expenses amounted I think to about 75 dollars that trip, something near it. Maybe a little over that.
Q Did you pay him a per diem? A I paid him five dollars a day for his time and then his expenses.

Q Well? A Well I made several trips out here at different times, to Tahlequah before the Commission, and back, three or four trips as well as I remember now, cost me 20 or 25 dollars each trip, as I remember about it.
Q Do you have any how many trips aside from the one by which you brought Dr. Baker? A No, I think there was probably three trips I think it was, maybe more, and then I made one trip to Claremore to see A. B. Norwood.
Q What did that trip cost you? A I don't remember what it cost; I went in a wagon down there.
Q You went through and employed Songe, went by railroad; what did that trip cost you? A I don't remember what it was, whether it was 21 dollars or 31 dollars, one or the other, I don't remember which it was; Joe Dawson, my brother-in-law me the money, it was either 21 or 31 dollars.
Q Now then is there any other expense that you know of that was paid by you or your family, any members of your family, other than that you have mentioned? A I don't remember any other now; I can't call to my memory right now.
Q What was the condition of the members of your family generally now, financially, at that time? A Well we were considered poor people; I don't know, we didn't have much money, scarcely any.
Q Was there any one of them that was better off than the others, and if so, which one? A I suppose Elbert Dawson was better off than the others, Buck Dawson.
Q Do you know how much Buck Dawson paid of these expenses? A I don't think he paid, he paid the Songe debt and the Bryant debt, I think it was.
Q That is one hundred and fifty dollars? A Yes sir, then he came up on one trip and taken some evidence with Joel Bryant Joel Bryant was Clerk of the Court before this Tahlee Court, I don't know what that cost him.
Q Care my he send you to timony? A Yes, came up and went back to Texas. Filed his claim and took some testimony and went back to Texas and I didn't see him.
Q Did that testimony include Dr. Baker's testimony? A No sir.
Q You know how many witnesses were examined then? A I only know what he told me.
Q How many? A Four witnesses.
Q You know whether they were residence of the Cherokee Nation or not? A He told me they was.
Q Were you present on that trip in which he came there and took that testimony? A No, I met him there and then I went back home and left him at Tahlequah.
Q He had taken the testimony before you left him or after words?
A He taken it afterwards; that was my understanding.
Q Did Buck furnish only the one hundred fifty dollars that you now remember? A I think it was.
Q And the expense of taking those witness up there A Yes sir.
Q Who else furnished money now of the members of your family?
A My brothers and father lived down in Berryville, me and my brother-in-law, Blassingame, we all chipped in together a few dollars from each family.
Q You heard the statement of C. C. Brought that in June that you told him that it had cost you 700 dollars, did you make any such statement to him? A I never did.
Q And that you paid one witness 300 dollars? A I never made any such statement.

Q Did you pay any witness any such sum? A No sir, I paid Dr. Baker for his time; he said his time was worth 5 dollars a day, and I paid it.
Q Did you pay any other witness any more than that? A No sir, he was the only witness I put on down there in my case.
Q Well the Robert Dawson case? A Yes sir.
Q He says that you told him that in your house there on your place, did you have any house there in June 1893? A I was not living on my farm that time.
Q Did you have any farm? A Didn't have any.
Q Where did you build a house there? A I built a house on the farm I live in now by Mr. Brought, I moved on the farm the last of July, 1893, and I carried in my wagon.
Q What did you do? A I went to the timber and cut poles and hauled them out and made me a log cabin on the place by a spring near Mr. Brought.
Q About what time did you finish that house? A It was in September.
Q How soon after you finished that house until you brought your family out? A I finished it up and got it covered and the floor in it and I went back to Eureka Springs after my wife.
Q What family did you have then? A I had my wife and she had one child; but my oldest children, by my first wife were with me in the Territory, camping with me; three little boys and one girl were with me, and one girl back in Arkansas.
Q Are you and C. G. Brought on good terms? A No sir.
Q What has been the character of the trouble between you? A Trouble over our places first started it.
Q When did it begin? A As soon as I got back from Arkansas he commenced hinder crowding me out to take my farm and my fruit, and we have been in a racket ever since.
Q Then his statement that you were on friendly terms, is it correct or not? A No sir, it aint correct.
Q He and you have never been friendly as neighbors then since you first came back from Arkansas and settled in the Territory? A I don't remember ever being in his house; I never was in his house.
Q Have you had law suits with each other? A Yes sir.
Q How many? A I don't know that we had any particular law suits, but I have had law suits and he has been a witness against me.
Q What was your last trouble with him, when I mean? A Along last fall.
Q That was when your boys had a little racket and he had your boy arrested? A Yes sir.
Q What was the age of those boys? A Eleven years old.
Q He had him arrested down at Vinita? A Yes sir, had him arrested and carried before the Commissioner at Vinita.
Q He was discharged on account of his age? A Yes sir.
Q Buck Dawson is dead is he? A Yes sir.
Q How long has he been dead? A Three years, little over three years.
Q And James Dawson is dead? A Yes sir.
Q Is your father, Robert Dawson living? A No sir.
Q When did James Dawson die? A I don't remember, been dead several years, I don't remember how long, 6 or 7 years, I couldn't state.
Q When did your father, Robert Dawson die? A I believe it was in '97 or I remember now, I won't be positive.
Q Had all these moved to the Cherokee Nation before their death? A No sir, Father died in Arkansas.

Q Those that lived here in the Nation they lived here in the Nation but went back to Arkansas and died there? A Well the rest of my folks all lived home. That was James Dawson and Nick Dawson.
Q Robert Dawson, your father, never did move to the territory, did he? A No.
Q Did you hear the statement of the witness Beavert this morning, that about the time of hearing of the James Dawson case, at a negro church at night James Dawson was down there with someone else & was introduced to him, and he loaned him ten dollars; did you hear that statement this morning? A I heard the statement, yes sir, I heard it.
Q He says that then James Dawson was 35 or 40 years old; was there any James Dawson living below in, to your family at that time of any such age? A No sir.
Q How many James Dawson's were there belonging to your family? A There was my Uncle James Dawson and a brother James Dawson, the Doctor here.
Q How old was your brother James Dawson then? A He was a tolerable old man, I don't know his age.
Q About what age? A Must have been 60.
Q Between 60 and 70? A Yes sir.
Q What was the age of your brother James? A At that time?
Q Yes sir, in '84? A In '84 I suppose he was about 18, somelike that.
Q Had anything to do with the James Dawson case? A No sir.
Q Was he present at the time that the James Dawson case was under consideration? A No sir.
Q Was James Dawson, your uncle James Dawson, present at any time during the consideration of his case? A No sir.
Q He never was present? A No sir, if Uncle Jim Dawson was ever in Tahlequah I never knew it.
Q Who conducted the prosecution of the James Dawson case before the Cherokee Citizenship Commission, who conducted it? A The James Dawson case?
Q Yes sir? A I think James Low and Bill Jackson and Campbell Taylor.
Q Were you acting with them? A Yes sir.
Q They employed Campbell Taylor? A Yes sir.
Q Then there was no James Dawson present during that session of the Commission? A No sir.
Q What was the condition of James Dawson's health at that time?
A It was pretty poorly; was not good.
Q Was he at that time able to get about and attend to business?
A I don't think he was.
Q He was not a very feeble man or old man at that time? A Yes sir.
Q Judged as rather a silly man was he not? A Yes sir.
Q Did he attend to any kind of business of the family at that time?
A No sir, didn't.
Q What was his financial condition? A Pretty bad.
Q Did he have any money? A No sir.
Q Did he have any property? A None hardly at all; horses probably, a cow or two, something that way.
Q What about all the property he had? A Yes sir.
Q How about the other members of his family that were admitted at that time; what was their financial condition? A They were in poor circumstances.
Q Now then after these judgments were rendered that you have already moved to the Territory, Cherokee Nation, I will say?
A Robert Dawson and family and James Dawson and family, that is, myself and their children.

Q Robert Dawson didn't remove here? A No, I said except Robert Dawson.
Q Did all the members of Robert Dawson family move here? A Yes sir.
Q Except himself? A Yes sir.
Q And all the members of James Dawson family? A No, not all the members, Melvina Low I don't think ever lived here.
Q She has never moved here? A No sir.
Q Now all the members of your family, your father's family included in that judgment of the Committee, rendered January 11th, 1893? A All but one.
Q What was the name of that one? A Edna.
Q A daughter? A Daughter of Robert Dawson.
Q Your sister? A Yes sir.
Q Was she then of age or was she a minor? A I think she was a minor, as well as I can remember.
Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.
Q By a Commission or by the Cherokee Council? A She was first admitted by the Spears Court, her and two of my nieces.
Q What are their names? A Katie Vernon and Verna Fishback.
Q What became of that? A The certificate papers they got was lost, and they went before the Council in 1894 andthey was readmitted back by the act of Council.
Q That was in 1894, the Cherokee Council admitted, re-admitted as they called it, the three above named? A Yes sir. Mary and Verna Fishback and Katie Vernor, they have now the same names now except Vernor, it is not, Tob Robinson married the widow, a niece of mine.
Q Now then was there any other consideration of the Dawson case by the Cherokee authorities at any time aside from these two judicial acts in '87 and '94 admitting the two families of Robert and James Dawson, and the act of Council of '94 admitting these three that you have just named? A Yes sir.
Q When? A My two of my sons was placed on the roll by the act of Council in 1892 I think it was; left off of the rolls in per capita payment and they was placed on the rolls I think, and Sam Smallwood member of Council, got their draft or checks for the money.
Q Have you got that copy of the act of Council admitting them? A Yes sir.
Q Where is it? A (Produces papers.)

BY MR. HADDOCK: We offer in evidence an act of the Cherokee National Council relative to an appropriation of $6,500 dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount set opposite their respective names, provided that the Principal Chief shall draw warrants for such amounts, and further provided "That the names of the persons appearing on the per capita rolls in this act shall be placed (on) the authenticated roll of 1880 by the Principal Chief."
This act was approved December 21, 1891.
Approval signed by Stephen Foreman, Assistant Acting Principal-
In this list appears the names of William H. Dawson for payment of $13.70, and of Marion Dawson, for a like sum. Are these the names of two of your sons? A Yes sir.

(Paper above introduced, filed and made a part of the record in this case.)

Q Was there any other action of the Cherokee authorities relative to members of your family? A Yes sir.

Q Then? A In 1894.
Q What was that? A Allowing them their Strip Money.
Q Have you a copy of that? A I think I have. (Produces papers.)

BY MR. McKENNON: We offer in evidence a duly certified copy of an act of the Cherokee National Council approved November 24, 1894, signed C. J. Harris, Principal Chief. Senate Bill No. 19, appropriating a sufficient amount of money to make payment per capita of what is known as the strip money to certain persons named therein. Among them are members of the Blassingame family, as follows: Jane, Elbert, Henry, James Ross Lerrie, Pearl, Amos, Myrtle, Winnie and Clifford; this act mentions these persons as Cherokees by blood, and whose names had been left off the pay roll approved May 3, 1894, providing a payment to each one of these a sum of $265.70.

Q Were these members of the Robert Dawson family? A Yes sir.
Q Which one of the members of the family? A Jane.
Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.
Q And her children? A Her children, was not admitted, she was admitted.
Q I mean this mentions her children here? A Yes, that mentions her children.

(The paper last above introduced is filed and made a part of the record in this case.)

Q Do you know whether the payment of the Cherokee Strip money was to Cherokee citizens by blood only or not? A Yes sir.
Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A Why the Douthett children, my brother's grand-children. Two grand-children of F. Dawson.
Q When was that? A That, I think it was in '84.
Q Have you got a copy of that act? A No, the record is here.
Q Was that by the Spears Court? A Yes sir, by the Spears Court.

BY MR. McKENNON: We now offere in evidence a judgment of the Cherokee Commission on Citizenship, 1880 and 1884, found on page 190, case No. 181, dated September 9th, 1884, signed by Eli Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Lula Douthett and Dallas Douthett as Cherokees by blood.

Q These two are the Douthetts to which you refer, are they? Yes sir.

BY MR. McKENNON: Attention is called to the fact that the names of the Commissioners are all signed in the same hand-writing as the record of the judgment.

The said judgment record above introduced, and found on page 190, No. 181, record of 1880 to 1884, is as follows:

"Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, September 14th, 1884.

F. Dawson, for his grand-children,)
No. 181. (C. H. Taylor,
Lula Douthitt,) Atty. for Claim.
Dallas Douthitt, (
vs) Petition filed September
The Cherokee Nation. (14th, 1884.

Case submitted by claimants Sept 14th, 1934.
Case submitted by Solicitor, Sept. 19th, 1934.
Continued by Petitioner Dec 27 1934 to September Court 1934.
Re-submitted September 2nd 1934, by Attys Taylor and Seavert

Submitted by defense Sept 9 1935.

And now on this 14th day of September 1934 comes this cause for final hearing and all the evidence in the case having been carefully read and considered by the Commission on Citizenship it has been decided by the Commission that the above named Lula Darthell and Dallas Darthell are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation and that they should be, and are hereby entitled to the full and complete enjoyment of the same in all respects, as native born Cherokees.

Ellis Sperry, Pres.
John Lee,
John L. Adair, Andrew Young,
Cln Com'n. Commission on Citizenship.

Q How were there any other actions of the Cherokee Authorities of like character relating to the members of your family?
A I don't remember of any others.
Q I will ask you if when the Cherokee authorities were making the roll of 1896, in compliance with the request of the Dawes Commission for a roll to be prepared by them for the use of the said Commission, the question of the citizenship of the members of your family was not then raised and an investigation had in regard to it? A Before the Dawes Commission?
Q No, before the Cherokee Commission making the roll of 1896, of which John T. Gunter was a member? A Yes sir, yes. I had forgot it, but since you have named it there was some investigation of them at that time; this is what I understood.
Q That roll shows that the members of your family were duly enrolled by the Commission? A Yes.

Q Have you and the other members of your family since your removal to the Territory in 1833 and immediately following been recognized as Cherokee citizens by blood? A Yes sir.

Q Have you been exercising and enjoying all the rights of Cherokee citizens by blood since that time? A Yes sir.
Q You and all the members of your family are living in the Cherokee Nation? A Yes sir.
Q You have all drawn Cherokee moneys whenever payments were made? A Yes sir.
Q And have you all male members been voting at the Cherokee elections or in the Cherokee elections? A Yes sir, I was one of the judges of the elections that was held voting on the treaty.
Q What treaty? A The treaty bill that was sent back here for the Cherokees to vote on; I was one of the judges at Afton.
Q In what year was that? A I believe it was last spring some time, last April.

Q Have any of you held any offices in the Cherokee Nation? A Yes sir.
Q What offices have the members of your family filled? A Deputy Clerk, Under Pete Hastings, when he was clerk of Delaware District, I was a candidate once for Council in the Downing party.

Q You say offices of deputy clerk be held by any one else except a recognized citizen? A Only by a citizen, you sir.
Q Is that all? A (No reply).
Q Were the children or members of your family attended the public schools, and one or more of them in Cherokee schools? A Yes, sir.
Q Have the members of your family been all the while subject to the jurisdiction of the courts of the Cherokee Nation? A Yes sir.
Q Have they been tried for any offenses against the law? A Yes sir.
Q And have they instituted their civil suits in the courts of the Cherokee Nation? A Yes sir.
Q And had suits instituted against them in such courts? A Yes sir.
Q So all of you have got to the Supreme Court of the Cherokee Nation? A Yes sir.
Q And been passed upon by that tribunal? A Yes sir.
Q Is there anything else? A Nothing more; I have a little sick spell ; I have got a head-ache so bad I can't hardly see.

BY MR. MITCHELL:

Q How old was your father Robert Benge when he died? A I don't know, I couldn't say about that.
Q He was a very old man? A Yes sir, he was getting tolerably old.
Q And you will be the older person than you? A No I don't know.
Q Mr. Jones I took it that he must have been a very old man ; you said A Well he was old and he was feeble.
Q Well you stated that he had been so silly you could hardly tell anything? A He used to live in Texas; I didn't know him until after he came to the Territory.
Q I say he had gotten so old, that was the occasion of that?
A I suppose so, the oldest one of these children was Mrs. Betty Bates, that's my understanding.
Q And the oldest boy was John Benge? A He was he called it Jack.
Q Jack Benge he was the oldest? A Yes sir.
Q Sal was the youngest? A Sal Riley.
Q He was the youngest one of the crowd? A Yes sir.
Q Your father lived four or five years after he and you were admitted to citizenship? A Yes sir, something about that, it was in 1.87, I think he died in 1.87, I won't be positive; that is as near as I remember now. I have got a headache so bad that I can't remember anything.
Q Now none of the older members of the family were ever present at any of these trials of citizenship? A No sir, not any of them.
Q None of them was ever called upon to testify as to the blood of their father, who are you saying about it? A I don't know they was.
Q Your child of kin was through Captain Joe Benge, that was your grandmother was the half sister of Joe Vann, wasn't it? A I don't know, I couldn't answer the question.
Q You were there when they took the testimony? A I was there when Mr. Baker's testimony was taken, that was about all I came to.
Q Nobody else on your side ever called to testify in the case? A Not as I know of.
Q You were very well known Cherokee families in the Cherokee country? A I suppose so, I don't know.
Q And yet nobody on any side of the family connected with it was ever called to testify as to any of them I know of, I don't count my brother done. I was one of the evidences at Tahlequah when I was a boy there; I first like all children

Q You had spoken to Dr. Baker about the testifying before you brought your case didn't you? A No sir.
Q Must have been a short time afterwards? A It was a short time afterwards. I went back after him and it was too late and I fetched him the next time.
Q You had talked to your brother about what you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our folks.
Q You had told him in general why you expected to use Dr. Baker as a witness? A Yes sir.
Q You went off, came to Arkansas and left your brother at Tahlequah after you told him that fact? A Yes sir.
Q You didn't see your brother any more until after you were admitted? A No sir.
Q You and he however made trips back and forth to Tahlequah a few times at different times, but you didn't happen to get to Tahlequah? A No. I never met him any more and I don't know that he was there until after we were admitted.
Q But you were there and brought Dr. Baker over? A Yes sir.
Q And took his testimoney a year or such a matter before ever you were admitted? A I think as well as I remember, yes sir.
Q How the way you came to get Campbell Taylor was on the recommendation of old man Bryant? A I didn't get him, didn't employ him.
Q The way he came into your case? A The way he claimed to come in.
Q He did more in your case than Bryant did? A Campbell didn't do anything.
Q What did Bryant do? A I think he held my brother but evidence my brother employed him.
Q How did you happen to be sending money by Campbell to Mr. Duncan? A I never sent him any money.
Q Then when he, Mr. Duncan, states that Campbell delivered the money as Campbell said he did, both were wrong? A Oh no, you misunderstood, Mr. Duncan got 20 or 25 dollars, which he stated, from Campbell Taylor, for me.
Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryant, and he wouldn't do it, and I tried to get the money back from him, and I finally worked the 20 or 25 dollars he gave to Duncan.
Q Then you didn't tell Duncan as he testified that you sent 20 or 25 dollars by Campbell Taylor? A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for me of the money I give him to give to Joel Bryant.
Q The family kept Campbell Taylor employed though at their attorney after that? A In the James Dawson case I think so.
Q E. Dawson, you remember, had him for his grand-children? A That is my understanding.
Q And your uncle James Dawson nothing in the case of his children? A Uncle James had nothing to do with it; James Lo[illegible] Bill Jackson got him; that was my understanding of who employed him.
Q The record here shows that the case was originally instituted by C. E. Taylor and was finally submitted by him, September 2nd, 1904, in the James Dawson case? A I don't deny him being in that case.
Q You say he was employed in the E. Dawson case? A I don't know who was in the Dauthett children's case.
Q The record shows that Campbell Taylor instituted the case, and it was finally submitted by him, and Mr. Bennett, who testified a while ago? A That was in the James Dawson case, wasn't it?
Q That was in the E. Dawson grand-children? A Eliott?
Q No, in the Dauthett children's case? A Oh yes.

Q He was likewise attorney in the Mary Dawson case, was he, and -- for the Adair court, the 4th of October, 1877, in the case of Jo er K. P. Dawson? A I don't know anything about that.
Q And the case Filey Dawson? A I don't know anything about those.
Q They are relations of yours? A Well I couldn't say.
Q James K. P. Dawson proves to be son of Filey Dawson? A Well if he is he is my connection then. There are so many I don't know them all.
Q You know Andrew J. Ba[illegible]? A Yes sir.
Q The Lawsons have so many children their brothers didn't rarely know they did they? A That's it, I don't know them.
Q Tell them you don't know who Andrew J. Ba got in? A [illegible] sir, I don't know.
Q It appears in his application as well, a cousin of [illegible], and yourself, who were admitted to citizenship [illegible]?
A He may be, I don't know nothing about it.
Q He resided I believe, at that time at Nevada, Missouri? A I don't know anything about those people.
Q Old Jim Bader was an old and paralyzed man at the time he testified wasn't he? A Getting old, he was not paralyzed.
Q Then the statement made that the reason he couldn't write his name and had to make his mark, because he was paralyzed, in his testimony isn't that true? A He didn't have good use of his fingers.
Q Then he was not paralyzed? A No, I brought him over [illegible] back from Berryville, Arkansas.
Q Tell I say he was a very old man? A Yes, [illegible].
Q How didn't you go to this place and [illegible] Dawson's work on it some time before you brought your family? A No, I brought my family with me, except my wife.
Q And you subsequently built a log house on it? A Yes sir.
Q And went back and got your wife and moved them to the log house? A Yes sir, went to Pineville and got my wife.
Q You never saw your grandfather at all? A No Dawson, [illegible] I never saw him.
Q You remember do you of being with him one of the times? A I was in Texas in time of the war, with my uncle Filey Dawson, [illegible] he was there.
Q In '60 sometime? A '62, I reckon, or '63. Some where [illegible] in time of the war.
Q How old a man was he at that time? A Pretty old man.
Q You never saw your grandmother, she died before she came?
A Yes sir, I never saw her at all.
Q The first started the citizenship matter, your brother [illegible] or you? A They it was me, and my brother together.
Q I mean who first conceived the idea? A I [illegible] about it.
Q And went down for him? A I was in Texas with [illegible] Arkansas; I went backwards and forwards a time or two [illegible].
Q About that time nearly everybody in Arkansas [illegible] some claim of kinship to Cherokees? A No sir, [illegible].
Q There were getting [illegible] in there in 1906? [illegible] '14 and '15 I think.
Q Was [illegible] excitement over there [illegible]?
A Just got to be everybody [illegible] I attended there was not [illegible].
Q Well the matter had been [illegible]? A I don't [illegible] there was not much excitement over [illegible] wife.

BY MR. HASTINGS:

Q You did locate [illegible] Sam Sheldon when you first came to Tahlequah in '01? A I think I did.

Q Your brother Mack Dawson stayed here also? A Yes sir.

Q Sam Sheldon lived in the north end of town, old German? A Yes sir, old German lived in the lower part of town.

Q Did you ever hear the names of any other witnesses which you stated perhaps testified in your case? A I have heard but I have forgot them.

Q You don't recollect any name now? A I don't remember them sir.

Q In the Irene House case and Joanna Barber case, in which you testified before the Commission, when you were making search for this testimony you couldn't find any other testimony from that of record except the Dr. Baker testimony, could you? A That's all we could find; no we didn't find the testimony, we got a copy.

Q Well it must have been a copy of the original, the certificate shows that? A I don't know; House got a copy of what claimed to be the affidavit of Baker and he told me to give it to him; that is all I know about it.

Q Well the certificate there does not bear my certificate does it? A I don't know about that, I am no scholar.

Q Well you didn't get the testimony of any other witnesses except that of Dr. Baker; you couldn't find any other over there of record? A I didn't hunt for any; House hunted for them.

Q None of you have ever been able to find any other? A No. Not even find our petition.

Q Samuel P. Dawson applied to what is known as the Adair Court, didn't he? A I don't remember now.

Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.

Q The father of these two parties who testified here this morning? A Well I don't know, they claim to be, I never met them to know them.

Q He was rejected by the Adair Court, or Haven Court? A I don't know whether he filed his petition.

Q Did you testify in his case? A I don't remember; I might have done it.

Q Didn't you testify in the Andrew J. Dawson case before what is known as the Haven Court? A I don't recollect, if I did I don't remember.

Q Did you testify in the Riley Dawson case? A No sir, not that I remember.

Q Didn't you know of his being rejected by that court? A I don't remember, sir.

Q You know that the Cherokee Council never authenticated the roll of 1896, don't you? A No sir, I don't know it; I didn't know this was done until I went to Tahlequah after some papers and came back and they told me about it.

Q You never found out that C. H. Taylor was a big rogue up until the present time have you? A (No response)

Q The records here show that he was been in the constant employment of your family from that date up to this time? A Why it shows here from the record; I [illegible] for any part of it.

Q You were the man that had the contract to do it? A I never employed him, I own my that.

Q You are the man that had [illegible] in the Irene House case and in my father's case.

Q Didn't you testify for your uncle Jim Dawson? A Yes sir.

Q Wasn't he attorney for him? A Yes sir.

Q wasn't he a play [illegible] by Jim Bryant after you [illegible] of your citizenship?
A Why not but the grand-children.
Q Jim Bryant's petition was filed in a [illegible] letter, isn't that so?
A Yes sir.
Q C. H. Taylor, attorney of record, filed the petition? A He might have filed it for all I know.
Q Well you hadn't at that time fallen out with C. H. Taylor had you? A Why no, we never did have any trouble, only over the money, he never would give it back to me or give it to Bryant.
Q You never discovered that he was such a rascal until after your judgment was rendered? A I know he was not of good character.
Q Are you not aware that this man who testified for the Cherokee Nation, on speaking terms? A Hardly speak.
Q Does he refuse to speak to you? A So others do.
Q Do you refuse to speak to him? A Yes sir.
Q Have you been speaking to him for the last two or three years? A I have not spoke to him until I met him there at the hotel the other day.
Q First time you spoke to him since he had the boy arrested? A Yes sir.
Q When did he have the boy arrested? A Along in September or October, September I think.
Q When did Dr. Baker die? A I don't remember.
Q You don't remember how much older your father was than you?
A No, I don't know.
Q What is your age? A I will be 60 in May.
Q Then you were born in '42? A Yes sir, '42 according to the record.
Q Was your father as much as 25 years old when you were born?
A I couldn't say.
Q What was your best judgment? A I suppose he was 20 or 25 years old. My understanding he married young.
Q Can't you give any better idea than 4 or 5 years of your father's age? A I say 25.
Q Your father was born say, 25 from 42 would have made him be born in 1817; now had your father any older brothers or sisters? A I think Jack Bryan was the eldest of the family, no, Betty, the girl, was the oldest and Jack next, and then my father as well as I remember about it.
Q There were two girls older? A No, one of the girls I never saw.
Q Then you think there are only 2 older than your father? A Yes, that's my understanding of the family.
Q Dr. Baker given his age 77 in '32, which would make him be born in '69, now he states that [illegible] 10 years old, which would be 1808, and in June 1824, when your mother Adam Priest, [illegible] school girl; whereas from your testimony and that of the family already introduced here show that your mother Adam Priest [illegible] other of seven children, the youngest being born in 1827, how do you reconcile that? A I don't remember about the ages of Dr. Baker; I don't know what he was at that time at all, I don't remember about it.
Q And [illegible] you don't know how to reconcile it? A (No response.)

Q Did you talk to any of the officers of the Court that [illegible] you? A No sir, I was not acquainted [illegible] them.
Q You know whether they were all or some of them? A There were [illegible] Steve Tehee. I got acquainted [illegible] afterwards, and Jo Thompson, at the Court [illegible]

Q That was the fellow that was on the Court? A Yes sir.
Q He was afterwards Assistant Chief of the Cherokee Nation?
A I think so.
Q Steven Tehee, that's the man you had reference to? A Yes sir, I think it was, I just knew the man; I had no acquaintance with him at all.
Q D. W. C. Duncan boarded when you were down there at the National Hotel? A I think he did, as well as I remember now when we were admitted.
Q Don't you know he did? A I think he did, as well as I remember.
Q Were not you over there to his room? A I think I was.
Q You remember when it was that you brought Dr. Baker down there to make a statement before the Court? A It was in January, Ter., Was in January Term of 1882 I believe, it was, as well as I remember about it.
Q Well you didn't take any more testimony after Dr. Baker testified? A No sir, I didn't.
Q But your case was not submitted or passed upon then, was it? A I think it was, yes sir, as well as I remember.
Q I would like to ask you when the Blasingame family came to the Cherokee Nation? A Alex Balsmingame came with me when we moved here, and went back and got his family and moved that fall.
Q Did he move his family here that same fall? A Yes sir.
Q What year was that? A In the fall of .87 I believe it was, as well as I can remember now.
Q When did the Sulaska family come? A I think the girl and the old lady came in the next spring.
Q How long did they remain that time? A The old lady stayed here, but the girl went back and in a short time after she got her husband came back.
Q Did she come back until after her marriage? A No, she was married when she came first.
Q The last time? A She was married I think, she was married when she came out.
Q How long has August Sulaska been a permanent and continuous resident of the Cherokee Nation? A I think he came there in the fall of 1884 or 1885, I won't say which.
Q How long has Robert Pierce been a continuous resident of the Cherokee Nation? A Ever since he was admitted.
Q When was that? A '83.
Q How long has Martin L. Patterson? A Ever since he married his wife, and he was living here before he married his wife.
Q Who is Arizona Airey? A That is my daughter.
Q Did you bring her with you? A No not when I moved.
Q When did she come? A She came out in a year or two after I moved here.
Q Was she married when you moved here? A No sir, she was not married.
Q She was not married when you were admitted? A No sir, she was a child.
Q When did Jim Love come to this country? A With his grandfather, James Dawson.
Q What was his mother's name? A Melvina Dawson.
Q You know Jim Love's age? A No sir.
Q Don't know how old he was in '83? A No sir.
Q He was grown? A I think he was.
Q Married? A No no.
Q Married in this country? A Yes sir.
Q She is James E. Ware's? A Married [illegible] daughter.

Q When did they come to this Country? A Right away after they was admitted.
Q In what year? A I think the winter of '94, I think it was, spring or winter of '94.
Q You know Gideon Graham? A Yes sir.
Q Who is his mother? A Missouri Ann Graham, formerly Missouri Ann Dawson.
Q Did he come from Texas to Arkansas? A Came from Texas.
Q Did you know them in Texas? A I knew the girl.
Q You never knew the family until they came to this country? A I never knew Gid.
Q When did you see him here? A I think they came here in the fall or winter of 1894 or '5.
Q He was married then? A I think he was.
Q Brought his wife? A I think he was, I don't know.
Q Did he have any children when you first saw him? A He came to my house and I never saw his family for--I don't know, for several years.
Q You understood he had a family? A Yes sir.
BY MR. McKENNON:
Q Did you mean to say '84 or '94? A '84.
Q Did you see Gid Graham in '84? A '84, let me study, 1884 '85.
BY MR. HASTINGS:
Q Did you see him in '85, are you positive on that proposition? A I think so.
Q Will you swear it? A No sir, I wont positive swear it, but I think it was. As I remember now it was; I couldn't say positive.
Q All the people Mr. Dawson that have been admitted to citizenship by courts of competent jurisdiction unless they were de-citizenised by courts of acquired jurisdiction, enjoyed the same privileges that you have narrated here about going to school and being tried in the courts? A Yes sir.

Q All that sort of thing that you have been telling here in your direct examination? A Ask me the question again.
Q I say all people who were admitted here by courts of competent jurisdiction, until they were de-citizenised by courts of like jurisdiction, enjoyed the same privileges that you did? A So far as I know they was.
Q They all drawed money and all tried in the courts as long as we had tribunal courts, were they not? A Yes sir, so far as I know.
Q There was no special privilege granted to you in preference to anybody else? A None but recognized citizens of the Cherokee Nation.
Q Well you had been recognized since you were admitted? A Yes sir, I enjoyed the same privileges of native born Cherokees.
Q Well I any there is nothing special about it? A No, I don't know if there is.
Q You got acquainted with Mr. Duncan while you were up there during the hearing? A Yes sir, I was acquainted with Mr. new him, when I saw him.
Q Mr. Pitt Boen did the examination of Dr. Baker? A Yes sir.
Q Did you file any other paper before the Court other than your petition and then Dr. Baker's statement? A I never filed any petition there at all.
Q None whatever? A I don't remember any.
Q Well you never had occasion to file any papers in behalf of Mr. Duncan? A I got him to do some writing for me.
Q What? A Letters to my brother in Texas.
Q Buck Dawson? A Yes sir, B. Dawson.

Q That? A Yes sir, Mac Dawson.
Q Well is that all he did for you? A I don't remember . about it.
Q Why didn't you get your attorney to do that letter writing? A There was not any there.
Q Taylor Nor Benge was not there then? A No sir.
Q That is what you paid the 20 or 25 dollars for, was writing this letter back to your brother? A I paid him for that claim.
Q When did you pay that? A I think I paid it, I don't exactly when, Carn Taylor paid it a year or two after I moved out here and settled where I did; might have been 2 years. I don't remember.
Q Where was Duncan living then? A I couldn't say now.
Q Was he still clerk of this Court? A No sir, not when money was paid; that is, when Carn Taylor said he paid it.
Q You did send Carn Taylor some money? A I sent some money for Joel Bryant.
Q You knew Joel Bryant's address didn't you? A No, I don't know that I did, No I didn't send Carn Taylor any money, I gave it to him.
Q How much did you give him? A One hundred dollars.
Q When? A Right at that time; he claimed it from me when we got our papers; he come into me and claimed it for Bryant.
Q You never sent him any then after that? A No sir.
Q Did you ever see Bryant after that? A Yes sir.
Q How long after that? A I don't know, a year or two afterwards. a year I believe, my brother wrote, I wrote to my brother about paying Carn Taylor money and he went onto my brother about it and he never paid him until we moved out to this country.
Q After all that you got him to attend to your uncle Jim Dawson's and the other relatives cases? A The other parties did.

BY MR. McKENNON:

Applicants object to all that part of the witness' evidence in response to interrogatories by representatives of the Cherokee Nation which relates to the character of the evidence upon which the judgments admitting members of the Jones and Robert Dawson families were admitted, and to the history of the members of the Dawson family, because the same is immaterial, incompetent and irrelevant.

BY MR. McKENNON:

Q One question I omitted to ask you Mr. Dawson, as to the Court at the time the judgment admitting Robert Dawson's family was rendered, who of the judges were present on that day? A They was all three of them, Wolfe, Tehee and Thompson.
Q Are you positive of that fact? A Yes sir.
Q You do not know this Andrew Dawson family who applied to the Dawes Commission for Cherokee citizenship, and who stated that they are cousins of some members of your family? A Andrew?
Q Andrew J. Dawson, who claim to be from Missouri? A How was the question?
Q You do not know them do you? A I don't know that they are any kin to us.
Q You don't know that they are related to you at all? A No sir.
Q This Mary Dawson case, do you know the members of that family? A No sir, I don't.
Q Don't know who they are? A No sir.
Q The Rebecca Dawson case? A I don't know her either.
Q You don't know whether they are related to you or not? A No sir.
Q If any of these persons are related to you or the family do you have any knowledge of it? A Not as I know of.

Q Jonah Barber, do you know anything about them? A They claim to be kin to us.
Q Where are they from? A They are from Texas.
Q Do you know they are related to you? A They claim to be kin.
BY MR. HASTINGS:
Q Paid you money for them before the Commission? A Yes, they claim to be kinfolks of mine.
BY MR. McKENNON:
Q Irene J. House, who is that? A That is a cousin of mine; claims to be.
BY MR. HASTINGS:
Q You testified for her didn't you before the Commission? A I think I did as well as I remember.
BY MR. McKENNON:
Q Before the Court that admitted James Dawson and family, who were the witnesses there? A Oliver Miller, from Berryville, Arkansas.
Q Who were the others? A Myself and J. Dawson and there was two other witnesses, I don't remember who they are.
Q Were they Cherokee citizens and residents of th Cherokee Nation? A Yes sir.
BY MR. HASTINGS:
Q You don't remember their names? A Which?
Q Of these other people who claimed to be citizens of the Cherokee Nation and who were witnesses? A I said about me and J. Dawson was citizens of the Cherokee Nation.
Q You only proved that Jim Dawson was a brother of Robert Dawson before the Court? A Yes sir.
Q And then referred back to the decision in the Court Before? A We proved that they were citizens, and he knew my folks before he ever came here.
Q Was he older than Dr. Baker? A About the same age.
Q Why didn't you get Oliver Miller's testimony in the House case?
Q He was dead.
Q You and no member of your family in the Irene House case or the Jonah Barber case or any of those cases that were tried before the Dawes Commission in your affidavits ever had reference to the fact what Oliver Miller testified in Jim Dawson's case in '04 did you?
A I don't remember about that.
Q You did make reference to the fact that Dr. Baker testified there in '8?, didn't you? A I don't remember about that now.
Q You never made reference to any other witness having testified other than Dr. Baker did you? A I don't remember about it now.
BY MR. McKENNON:
Q Now just one other question: All of these papers in the original application and everything, so far as you know, in the James Dawson case, were filed before the Commission which admitted the James Dawson family, are lost or missing are they not? A I suppose they are, I don't know, I never saw them.
Q Have you tried to get copies of them? A Yes sir, I tried to get the original papers.

BY COMMISSION: This case is continued until 8:30 a.m., tomorrow morning, March 20th, 1902, it now being the hour for adjournment.

MARCH 20, 1902,- 8:30 a.m.- J. L. LAWSON, [illegible], testifies as follows:
BY MR. McKENNON:
Q Was your brother Jim Dawson raised? A [illegible]

Q What County? A Carroll.
Q What town? A Ben Ayelin.
Q Did Mr. Dawson live at Ben Ayelin? A Yes sir.
Q You were brought into intimate contact with Mr. Dawson while he was?
A Yes sir.
Q Did he furnish, ordinarily to be accepted with his character and habits of life? A Yes sir.
Q Do you know Josephine Pierce? A Yes sir.
Q Where did you know her? A Robert Dawson's.
Q Is she the same identical person who is called Josie Pierce, and Josie Dawson? A Yes sir.
Q Is there any other Josie Pierce or Josie Dawson or Josephine Pierce or Josephine Dawson? A I don't know, but to me.
Q She was also called Josephine or Josie Kelly? A Yes, after she married her first husband was Pierce.
Q And has become husband A Man Kelly.
Q Where was Andrew Jackson Dawson when's time, Blanks's wife? A Why they called her Joe, I suppose it's her name, I would not be positive that was Rile Dawson's daughter, August Blanks's wife.
Q She is much younger than your sister, Josephine, above referred to? A Yes sir, oh yes.

BY MR. HUTCHINS:

Q Where were you born, Mr. Dawson? A Carroll County, Arkansas.
Q You don't know old you are? A 42.
Q 42? A I think so.
Q How many older children were there of your father and mother than yourself? A Three.
Q Which were they? A E. Dawson, Riley Dawson and Jasper Dawson.
Q You are the fourth child and the fourth boy? A Yes sir, fourth boy.
Q Where were your father and mother married, do you know, from family history? A I think it was in Arkansas, I couldn't be positive, I think they was.
Q Do you know how long your grandfather lived in Arkansas? A No sir I don't.
Q Don't know what year he came to Arkansas? A Only from statement.
Q Recall what did they say about it? A I think they came there in '60.
Q You find whether your father was born in Arkansas? No many of your grandfather's children were born there? A There was none of them born in Arkansas according to history and according to what he always told me, they were born in Tennessee.
Q He came there in '60, and all the other children were born on the Kiamesa River in Tennessee, before he ever came? A That is what I think, yes sir. No I am not positive about that. They were from Tennessee, but either Mr. Dawson lived there or my father or some where; I don't know as I recall that I ever heard my father say where he was born at.
Q In Tennessee somewhere; he said he was a good big boy when he came to Arkansas? A I don't know as I ever heard him say.
Q Do you know the difference in the ages of yourself and your three older brothers? A No I don't.
Q Don't know the time that comes in between you? A No I don't know exact; I think it is about two years though.
Q That would make E. Dawson about eight years older than you, probably? A Yes sir.

BY MR. McKENNON:
Q Did Josephine Pierce have a daughter who married Mr. Bogle?
A Yes sir.
Q What was her name? A I always knowed her by Dode Pierce; I don't know whether that is her right name or not.
Q What is Bogle's name? A John Bogle.
Q She is the child of Josephine Pierce who married John Bogle?
A Yes sir.
BY MR. HASTINGS:
Q Where did she marry John Bogle? A Near Afton.
Q When? A I couldn't state.
Q About when? A You have got a copy of the marriage license.
Q When did Josephine Pierce come to the Cherokee Nation? A '83.
Q Has she lived here continuously since that time? A Up until her death; she is dead.
Q Any of her children come with her at that time? A Yes sir.
Q And have they lived here continuously since that time? A Yes sir, except Bill Pierce, he went to Colorado and died.

J. C. STARR, being first duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q Your name is J. C. Starr is it? A Yes sir.
Q Mr. Starr, was that instrument taken by you, or before you? (Showing witness document.)
A Yes sir.
Q Where? A At the residence of S. H. Benge near Fort Gibson.
Q When? A On the 15th day of this month.
Q What day of the week was that? A On Saturday.
Q Is that the day it was taken? A Yes sir.
Q Did you go there on Saturday to take this? A Yes sir.
Q Then when Judge Benge stated on Tuesday that it was taken "yesterday" meaning Monday, the 17th, he was mistaken, was he?
A It was taken Saturday, the 15th.
Q Was he mistaken or not? A It was not taken then.
Q Then his statement made on Tuesday the 18th that it was taken on "yesterday", meaning Monday, the 17th, was not correct, was it?
A I think not, because I was there, and it was taken on the 15th.
Q And it was taken on the 15th, you are positive it was taken on the 15th? A Yes sir.

Q Then of course his statement could not be correct? A I guess not.
BY MR. HASTINGS:
Q He was just mistaken about the date, wasn't he? A Yes sir.
BY MR. McKENNON:
Q Did you tell Charles T. Moore who is now present, on last Tuesday that they sent you out there on Monday to take that? A No sir.
BY MR. HASTINGS:
Q I sent you there last Saturday? A Yes sir.
Q And you went there at my direction, didn't you? A Yes sir, and come back Saturday night.

ROBERT L. DAWSON, being first duly sworn, and being examined testified as follows:
BY MR. McKENNON:
Q What is your name? A My name is Robert L. Dawson.
Q What is your age? A I am a little [illegible] of age.

Q Are you a son of E. Dawson, commonly known as Buck Dawson?
A Yes sir.
Q I will ask you if you will examine this letter sent with the enclosure and state whether or not you found that among the papers of your father after his death? A (Hands letter to witness who examines it) A Yes sir, I found this amongst the papers of my father. He always kept all his own papers, and me looking over them I saw this letter.
Q Has that been in your custody ever since you found it? A Yes sir, if that's the letter that was in the envelope.
Q Well that's what it is, you can tell whether it is or not. (Witness further examines letter) Q That purports to be a letter from Samuel H. Benge, does it not, to your father? A Yes sir. (Here applicants' attorney hands letter and env lope referred to to attorneys for Cherokee Nation.)

BY MR. McKENNON: I want to offer this letter in evidence in this case; it is a letter signed by S. H. Benge, attorney at law, dated Fort Gibson, C. N., Jan. 13, 1883. Addressed to Mr. E. Dawson, Esq., together with the envelope, in which it was enclosed, with the card of C. H. Taylor upon it, attorney at law, Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T., January 17.

BY MR. HUTCHINGS: The Nation objects to the introduction of this letter for the reason that S. H. Benge is living and has testified in this case, and his handwriting should be either proven or denied by himself.

G. W. BENGE, being first duly sworn, and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A G. W. Benge.
Q Are you a son of Samuel H. Benge? A Yes sir.
Q Do youknow his handwriting? A I believe so.
Q Is that his handwriting? (shows witness letter before referred to.) A Yes sir, it is either his or a resemblance of his.
Q To the best of your knowledge and belief is that his letter?
A Yes sir.

BY MR. McKENNON: Now we offer it in evidence.

BY COMMISSION: (Reading letter)

"Fort Gibson, C. N.,
Jan 13th, 1883.

Mr. E. Dawson, Esq.,

Dear Sir:- I write this note to inform you that your case came off before the Court on Citizenship on the 11th inst, and was decided in your favor, so you all are citizens of this Nation. F. M. Dawson was furnished with a copy of the decision at the court. He will write to you also. You will please send me fifty dollars as my fee in your case according to contract. Send it to Fort Gibson, Cherokee Nation.

Respectfully yours,
S. H. Benge,
Attorney at Law."

Enclosed in envelope, as follows:
Card in upper corner, left hand:
"Return in ten days to C. H. Taylor,
Attorney at Law,
Tahlequah, Ind. Ter."
Addressed: "E. F. Dawson,

Henryetta,
Clay Co., Texas."

Post-marked: " Tahlequah, Jan 17 Ind T."

ROBERT L. DAWSON, -re-called and further examined, testified as follows:

BY MR. McKENNON:

Q Now examine that and see if that is also a paper which you found among your father's papers after his death? (Hands papers to witness) A That is the same letter that I found.

Q Among the ones that you found the Benge letter? A Yes sir.

BY MR. McKENNON: This is a letter purporting to have been written by J. M. Bryan, to R. Dawson, dated at Choutaau Station, Cherokee Nation, and not dated, which we offer in evidence. (Applicants) attorney hands said paper to Nation's attorneys.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSION: (reads letter)

"Choutaau Station, Cherokee Nation.
I. T., M. K. & T. R. R.

MR. Dawson:

Dear Sir:-

I ar in receipt of your favor of the 30th inst in regard to our contract.

After I had got the claim so there would be little more to do I employed Campbell Taylor to answer for me when the case came up, for which I was to pay him $20 out of my fee.

This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, or that you was to pay him $100- and that you had offered him a check on some bank in Texas.

That $100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

And I ar satisfied that you are apprised of the earnest work I done for you, Please write to me.

Very respectfully,
Very truly,
J. M. Brynn."

Q I will ask you if you know of your father having paid Bryan that money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A No, I don't know whether I know his age or not.

Q If you don't know you can't say? A I wouldn't have no reason to know his age; never asked him his age; of course I guess my father knows.

Q Never had occasion to talk about his age at all? A Oh I have heard him speaking of his age at different times, but then I never paid enough attention to it.

Cid Graham, being first duly sworn and [illegible], examined and testified as follows:

BY MR. McKENNON:

Q What is your [illegible]

Q How old are you? A Mr. Graham? A I am 35 years old.
Q How long have you been living in the Territory? A I came out here in 1887 or '88.
Q To the Cherokee Nation? A Yes sir.
Q How long have you been living in the Cherokee Nation, what year was that '87 or '8? A Yes sir.
Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.
Q How long did you live in the Cherokee Nation? A About 6 years.
Q Where did you go then? A Wagoner.
Q In the Creek Nation? A Yes sir.
Q And been residing there ever since? A Yes sir.
Q In business? A Yes sir.
Q Have you all the while been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q Mr. Graham, do you know Judge Samuel H. Benge? A Yes sir.
Q Did you have a conversation with him in Fort Gibson about September of 1900? A Well as to the exact time I couldn't say, it was sometime about the time that the Dawes Commission were at Sallisaw, or possibly a little later, somewhere about there.
Q Taking the census of the Cherokees? A Yes sir.
Q At that time had the question of the validity of the judgment of the Cherokee citizenship commission admitting Robert Dawson and family been called in question? A Yes sir.
Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.
Q What did he tell you about it; well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A . He did.

BY MR. HUTCHINGS:

Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?
Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.
Q And he told you the judgment was all right? A Having known that Mr. Benge was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I might want his affidavit concerning the matter, and I also I think maybe wrote to him; possibly prior to that, I am not sure as to the writing, but I think possibly I did.
Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would use him in person; he assured me that everything was all right.
Q Your mother was Missouri Dawson was not she? A Yes sir.
Q Her name was Missouri Graham when she was re-admitted to citizenship? A Yes sir.
Q And was not Missouri Dawson as named in that judgment? A Yes sir.
Q Do you know whether the other children named in there had married and changed their names also at the time they were admitted?
A There were not any of them married.
Q Ella Dawson was your aunt? A Yes sir.
Q Was she married at that time? In 1883? A Yes sir.
Q Melvina Dawson, was she married at that time? A Yes sir.
Q And the fourth one you have mentioned, Missouri Dawson, was your mother? A Yes sir.

Q Can you give us the exact date of your birth? A Yes sir.
Q Do so, please? A January 21, 1867.
Q And you came to the Territory when? A In 1887 or 1888.
Q You can't make that any more definite? A Well sir, it has been a good while ago, and I didn't have anything to cause me to.
Q Well I just want to know whether you did have or not? A No sir.
Q When were you married? A 1886.
Q You were married prior to coming here? A Yes sir.
Q Your first child born away from here? A Yes sir.
Q What is its name? A John W.
Q '86 you were married, and he was born about the spring of '87? A Somewhere in 1887, I don't remember.
Q Prior to your coming here? A Yes sir.
Q That is the only child you had that was born away from here? A No sir, Julius.
Q Julius was not born in the Territory? A No sir.
Q And prior to the time of your removing to the Territory? A Yes sir.
Q These are the only children born out? A Yes sir.

BY MR. McKENNON:

Q Do you know Campbell Taylor? A Yes sir.
Q I will ask you if about February 1901, he came to Wagoner, and sent his son to have you come to the hotel at night where he was, and if he then and there said to you "You people are on the doubtful list, and if you will give me five hundred dollars I will make it all right and see that you are enrolled, and if you don't I will see that you don't get on".? A Well now as to the first part of thatquestion, where you say he sent his son; that is an error; I don't know whether he came to my house or sent some one; when I returned home that evening my wife told me there was some one there to see me, and was at the city hotel at Wagoner, and said come down and see him; I went down there; I never had met Taylor; he introduced himself to me and stated what his business was; asked me if I was on the doubtful list, etc., to which I replied that we were; he asked me if I didn't want to employ him, stating that if we would give him, our family would give him five hundred dollars he would see that we were placed on the rolls all right, but if we refused to give him five hundred dollars that he would use his influence against us and see that we were rejected.
Q You never had met him before, or had any communication with him? A I never met him before; as to the communication, I may have written him something about his affidavit as to the validity of that judgment, I can't say as to that. He said in his testimony that I did; I don't know whether I did or not now.

BY MR. HUTCHINGS:

Q You knew he was the attorney in the case, originally? A After looking at the records I did.
Q I mean you knew it at the time you wrote to him about the affidavit; that was the reason why you thought he would know something? A Certainly.
Q He never told you he was going to swear against you or threatened to tell anything that was not true? A He just simply said unless we gave him that five hundred dollars he would see we were all cut off the rolls.
Q Said he would use his influence against you, that is what he said? A Yes sir.

BY MR. HASTINGS:
Q You don't deny writing to him then for the affidavit? A I don't say I did or I did not: I neither affirm it or deny the question.
Q You went to Captain Benge and also wrote him with reference to what he knew about the case? A I don't know whether I wrote him or not, I said I was under the impression I wrote his son.
Q You went to see Aaron Butler, who was interpreter before that court that admitted you? A Yes sir.
Q And you went with Aaron Butler to see Jim Smith, attorney before that court? A Yes sir.
Q And you either wrote or went to see everybody you knew of that was before that court then? A Yes sir.
Q That shows you used considerable activity? A Yes sir, I used such activity as was to my interest.
BY MR. McKENNON:
Q That was all after the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof such as had appeared before the Commission had been placed upon a doubtful card? A Yes sir.
Q Then you began to look up the evidence and see what there was in it? A Yes sir.
Q As Mr. Hastings has stated? A That's right.
BY MR. McKENNON:
Q You are a grandson of James Dawson? A Yes sir.
Q The old gentleman? A Yes sir.
Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1884, wasn't it? A Yes sir, well I can't be exact as to that.
Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.
Q Well what other James Dawson did you know belonging to the families, either one of these families, Robert Dawson family or the James Dawson family? A I never knew of but two James Dawsons.
Q Who were the others? A Dr. James R. Dawson, who is present and standing right here: my grandfather, James Dawson.
Q Was there in '84 any James R. Dawson 35 or 40 or 45 years old, that you know of, belonging to either one of these families?
A No sir.
Q Do you know how old Dr. James R. Dawson was that that time?
A James Dawson? Q No I am speaking of Dr. James R. Dawson? A Oh, how old he was, no sir, I do not.
BY MR. HUTCHINGS:
Q Do you know who was here attending to your mother's citizenship case at that time, at the time they were admitted? A Yes sir, James Low and Bill Jackson, son of Ellen Jackson.
Q Who was W. A. Dawson? A That is Wilburn, my uncle.
Q Was he here? A I don't know sir.
Q You were not here any of the time? A No sir.
Q You knew your grandfather then, you had lived in the same neighborhood with him? A Yes sir, I know him well.
Q He didn't die for a year or two after that did he? A After when, Mr. Hutchings?
Q After his admission to citizenship? A No sir, he didn't die I think until '91 or '90, several years after.
Q Very old man when he died? A Yes sir.
BY MR. McKENNON:
Q About what age? A He was approximately 80 years old.
BY MR. HUTCHINGS:
Q When he died? A Yes sir.

BY MR. HASTINGS:
Q That about 1891? A I think so, yes sir.
BY MR. McKENNON:

Applicants object to the testimony of the witness elicited by interrogatories of Counsel for the Cherokee Nation relating to his family, their history, etc, as being immaterial, irrelevant and incompetent.

James R. Dawson, being first duly sworn, and being examined, testified as follows:
BY MR. McKENNON:
Q Your name is James R. Dawson? A Yes sir.
Q Where do you live? A Afton, Indian Territory.
Q What is your age? A 45.
Q You are a physician are you not? A Yes sir.
Q Was James Dawson, whose family was admitted in 1884, an uncle of yours? A Yes sir.
Q Do you know what his age was at that time? A No sir, I do not, only approximately.
Q State as nearly as you can? A At the time of theadmission?
Q Yes sir? A About 70, I don't know exactly.
Q How old was he when he died? A I would suppose he was about 78.
Q What was your age in 1884? A I am 45.
Q What year were you born, Doctor? A I was born in '65.
Q That have been '84? A Yes sir, that's right.
Q What was your age then? A In '84?
Q Yes sir? A About 28.
Q Were you present at the time that James Dawson family was admitted, or at any time while their case was pending before the Cherokee citizenship commission? A Not while the James Dawson case was, no sir.
Q You were present during your father's case? A I was there at the time.
Q When was that? A The dates I dicre member; when the case first came up, I dicre member the exact date.
Q How long were you there? A I was there about a week.
Q Was that when it first came up you say? A Yes sir.
Q Nothing was done? A No sir.
BY MR. HUTCHINGS:
Q You never saw Dr. Baker? A Yes sir.
Q Did he and your uncle Jim ie us d to talk about how they played together when they were boys? A My uncle Jim and Dr. Baker talk?
Q Yes? A I never saw them together.
Q They were about the same age? A Yes sir, I believe Dr. Baker was 15 years older probably.
Q Dr. Baker must have been mistaken about his own age? A Generally, that's all I know about his age.
Q The Doctor had been paralyzed, rather a decrepit looking man at the time he was over here at this citizenship business? A No sir, not as I know anything about.
Q He was near about 70 then? A I couldn't tell you, he was an old looking man.
Q Your uncle Jim ie was about 70? A Yes sir.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

W. W. HASTINGS, being first duly sworn, and being examined testified as follows:
BY MR. HUTCHINGS:
Q State your name? A W. W. Hastings.
Q Residence? A Tahlequah, age 35.
Q You are attorney for the Cherokee Nation in the general preparation of these cases? A Yes sir.
Q Just state how it happened that you summoned Mr. Campbell Taylor, and what occurred between you with reference to his testimony?
A Well there had been some talk, as the testimony here indicates, that there was perhaps fraud in the admission of this family, and by agreement with counsel on the other side, and the Commission, this case was set for the 17th day of March, and some short time prior to that, as the attorney for the Nation I began to make some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote C. H. Taylor to come down here. I don't think in that letter that I told him what I wanted with him. I don't think I told him the case that I wanted him to testify in; that is my recollection now. Mr. Taylor prior to that time, neither directly nor indirectly, so far as I know, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I summonsed him; perhaps the fact that I knew he had been connected with them in some way and that I perhaps also would get some information from him. Well he came in response to a letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe he could be compelled to testify, and that if he was put upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length; I asked him what he knew about it; of course he for a long time declined to tell me; and what information I did get from him was by piecemeal. He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him.
Well we talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he detailed to me the facts just as he told them on the stand; I don't believe there is the slightest variation, except that he perhaps was not so full at that time and it was told by piecemeal, but I got all those facts out of him, or very nearly all those facts out of him. He may have elaborated a little more here by examination; but he never voluntarily gave me any information at all, either directly or so far as I know indirectly. I don't think he sent any one to me. I got his name because I heard he was connected with the case, and perhaps knew something about it, like I did a great many other people, some of whom I didn't bring, because they didn't know what I supposed they did know about the case.

With reference to S. H. Benge, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. C. Starr over to S. H. Benge's place to take his affidavit on Saturday, March 15, in the W. H. and J. W. Shoemake case, and their descendants. I had heard that Mr. Benge knew some important facts in connection with the Shoemake case and I sent him over there then to take that affidavit; and when Mr. Starr came back he told me that he knew some facts also in connection with these other cases, and I was surprised to find he had instead of one affidavit in the Shoemake case, that he also had another affidavit in the Dawson case. That is the first information I had that Mr. Benge knew anything whatever in connection with the Dawson case, and therefore he never voluntarily, either directly or indirectly gave any information prior to that time to me.

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not seeking anything else but the truth, and didn't want him to tell anything else but the truth.

I want to say again that after he was on the stand and left that evening, and after Captain McKennon, or counsel for the family, had indicated his willingness for Mr. Taylor to testify, that he went over all of these facts that he testified to on the stand subsequent to that time in the presence of J. C. Starr in my office. I simply wanted to go on the stand for the purpose of showing that Mr. Taylor hadn't voluntarily given me any information, and

I make this statement for that purpose.

BY MR. McKENNON:

Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the persuasion that I brought to bear.

Q He therefore did it simply upon your persuation? A Yes sir.

Q You knew he had been acting as attorney for these parties?

A Yes sir, I had seen from the record that he did too.

Q And he told you so? A Yes sir.

BY COMMISSION: The attorneys for the applicant and the representatives of the Cherokee Nation will be granted thirty days from the receipt of the transcript in this case in which to file a brief in this case with the Commission.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. Green.

I, Arthur C. Evans, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing, and that the same is A true and correct copy of the original.

Arthur C. Evans

Subscribed and sworn to before me this 16th day of December, 1902.

B. O. Jones
Notary Public.

To be Filed with Cherokee D-406, Texanna Woolley, et al.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Francis M. Dawson, et al for enrollment as Cherokee citizens, consolidating the applications of,

Francis M. Dawson et al	Cherokee	D.	324
John Dawson,	"	D	380
William R. Dawson,	"	D	381
Andrew C. Atkins, et al	"	D	384
Francis M. Dawson, Jr.	"	D	388
Arizona Allred, et al	"	D	836
Samuel R. Dawson, et al	"	D	350
Robert Dawson,	"	D	352
Albert H. Dawson, et al	"	D	356
August Bulawsky, et al	"	D	366
John W. Dawson, et al	"	D	482
Katie Newman	"	D	402
John Dawson, et al	"	D	578
Thomas P. Dawson, et al	"	D	360
Orlo M. Dawson, et al	"	D	530
Robert Pierce, et al	"	D	408
William Pierce,	"	D	409
Charles E. Pierce,	"	D	431
Gus Gray, et al	"	D	471
Effie Pierce,	"	D	472
John S. Bogle, et al	"	D	479
Joseph R. Dawson, et al	"	D	364
Fairborn Dawson,	"	D	478
Charles T. Moore, et al	"	D	518
James R. Dawson, et al	"	D	526
Henry A. Blasingame, et al	"	D	832
Albert L. Blasingame, et al	"	D	833
James E. Blasingame, et al	"	D	834
Martin L. Patterson, et al	"	D	435
William C. Dawson, et al	"	D	604
Robert L. Dawson,	"	D	605
Elbert B. Dawson, et al	"	D	608
Richard M. Dawson, et al	"	D	617
Ella L. Spickerman, et al	"	D	626
Francis M. Dawson,	"	D	627
Sarah J. Dawson,	"	D	609
John W. Graham, et al	"	D	23
Gideon Graham, et al	"	D	35
Mathew A. Painter, et al	"	D	836
Charles T. Meadshaw, et al	"	D	1124
Joe E. Graham, et al	"	D	1125
John P. Graham, et al	"	D	1126
Joe Willie Neal	"	D	1127
James M. Graham, et al	"	D	1128
Green W. Jackson, et al	"	D	595
James H. Harmon, et al	"	D	476
Toshie A. Jackson,	"	D	509
Lizzie Jackson, et al	"	D	830
William C. Lenox, et al	"	D	847
James Love, et al	"	D	859
Millie T. Dawson,	"	D	405

Texanna Woolley, et al.,	Cherokee	D	406
Henry T. Richardson, et al.,	"	D	715
Etta Bramer,	"	R	12
Melissa A. Dawson,	"	R	13
Alonzo M. Fishback, et al.,	"	D	343
Hiram F. Waddle, et al.,	"	D	521
William D. Douthitt,	"	D	522
Florence Morgan, et al.,	"	D	737
John E. Fishback,	"	D	845
George A. Mabry, et al.,	"	D	979

D E C I S I O N.

It appears from the record herein that applications were made to this Commission at the times and places hereinafter mentioned for the enrollment of the following named persons as citizens of the Cherokee Nation:

D 324 By Francis M. Dawson, son of Robert Dawson, at Vinita, Indian Territory, on September 17, 1900, for the enrollment of himself and his minor children, Lula, Ray, Jessie J., Jacob L., Hugh A. and Laura A. Dawson as citizens by blood, and for the enrollment of his wife Katie Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 20, 1902.

D 580 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 1, 1902.

D 581 By William R. Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his wife, Fannie Dawson as citizens by blood. Fannie Dawson has been differently classified and is not embraced in this decision.

D 584 By Andrew C. Atkins, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Liggie Atkins and his minor children, Arthur, Edna E., Edward C. and George J. F. Atkins as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 10, 1902.

D 588 By Francis M. Dawson, Jr., son of Francis M. Dawson and grand son of Robert Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood.

D 335 . By Francis M. Dawson, Sr., at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of his daughter Arizona Allred and his grand-son William C. Allred as citizens by blood.

D 350 By Samuel R. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his two minor children August and Mate Dawson, as citizens by blood, and for the enrollment of his wife Catherine Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 3, 1902.

D 352 By Robert Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by blood.

D 358 By Albert H. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his minor children Ralph H., Alford and Cecil Dawson as citizens by blood, and for the enrollment of his wife Sarah F. Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 3, 1902.

D 365 By August Bulawsky, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for his wife Josephine, and his minor children Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.

D 482 By John W. Dawson, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Nannie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 402 By Charles J. Newman, for the enrollment of his wife Katie Newman as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, 1902.

D 578 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his minor children Robert B., Iola M., Lemuel H., Rosa B., Charles B., Hattie J., Jennings B. and James U. Dawson as citizens by blood, and for his wife Sarah J. Dawson as a citizen by intermarriage. On November 20, 1901, an affidavit was filed for Vergal C. Dawson, a ninth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 20, 1902.

D 360 By Thomas P. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his minor child Marice J. Dawson as citizens by blood.

D 530 By Orie H. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his minor child, Burr R. Dawson as citizens by blood. On October 31, 1902, a birth affidavit was filed for James F. Dawson, a second child of the applicant.

D 408 By Robert Pierce, at Vinita, Indian Territory, on September

24, 1900, for the enrollment of himself and his minor child Myrtle as citizens by blood, and for the enrollment of his wife Nellie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902. On January 9, 1902, an affidavit was filed showing the birth of Arthur Pierce, a second child of the applicant.

D 409 By William Pierce, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D 431 By Charles E. Pierce, at Vinita, Indian Territory, on September 25, 1900, for the enrollment of himself as a citizen by blood.

D 471
D 472 By John B. Gray, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Oma Gray, his minor child, Cecil Gray, and his sister-in-law, Effie Pierce (now Effie Akin), as citizens by blood. John B. Gray is differently classified and is not embraced in this decision. Further proceedings were had in the matter of this application at Vinita, Indian Territory, on October 4, 1900, and at Muskogee, Indian Territory, on July 21, 1902. On February 18, 1903, an affidavit was filed showing the birth of Velton Gray, a second child of the applicant.

D 479 By John S. Bogle, at Vinita, Indian Territory, on October 2, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nancy J., and his minor children, James E., Edna N., John H., Marvin R. and Claud Bogle as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902. On October 31, 1902, a birth affidavit was filed for Nancy Edith Bogle, born since the date of this application.

D 364 By Joseph R. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his five minor children, Clarence E., Council J., Elmer A., Cleo, and Rufus T. Dawson, as citizens by blood, and for the enrollment of his wife, Florence Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 19, 1901, and at Muskogee, Indian Territory, on October 3, 1902. On October 19, 1901 an affidavit was filed showing the birth of Edgar Dawson, a sixth child of the applicant.

D 475 By Wilborn Dawson, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by blood.

D 518 By Charles T. Moore, at Vinita, Indian Territory, on October 4, 1900, for his enrollment as a citizen by intermarriage, and for the enrollment of his wife, Mollie, and his five minor children, [illegible], Clarence Ora and James W. Moore as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October [illegible], 1902, and on March 17, 1902, an affidavit was filed showing the birth of Edna E., a sixth child of the applicant.

D 586 By James R. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his three minor children, Vinnie D., Ermine C. and Edwin C. Dawson as citizens by blood, and for the enrollment of his wife, Martha A. Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 5, 1900, and at Muskogee, Indian Territory, on October 3, 1902, and on September 13, 1901, an affidavit was filed showing the birth of Ancil F. Dawson, a fourth child of the applicant.

D 832 By Henry A. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his minor child, Vinnie C. as citizens by blood, and for the enrollment of his wife, Birdie J. as a citizen by intermarriage. Birdie J. Blasingame is differently classified and is not embraced in this decision.

D 833 By Elbert L. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his three minor children Ellis F., Earl D. and Alexander Blasingame, Jr., as citizens by blood, and for the enrollment of his wife Ida, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 6, 1902. On October 31, 1902, a birth affidavit was filed for Elmer H., born since the date of this application.

D 834 By James R. Blasingame, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his two minor children, William A. and George L. Blasingame as citizens by blood, and for the enrollment of his wife, Mary A. Blasingame as a citizen by intermarriage. On February 28, 1901, an affidavit was filed showing the birth of Grace D. Blasingame, a third child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.

D 435 By Martin L. Patterson, at Vinita, Indian Territory, on September 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Zona, and his five minor children, Sarah A., Martha A., Claud A., Edgar D. and Thomas M. Patterson, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 4, 1902, and on October 23, 1901, an affidavit was filed showing the birth of Virgil V., sixth child of the applicant.

D 604 By William C. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Alice as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 3, and October 10, 1902.

D 605 By Robert L. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood.

D 608 By Elbert B. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood. On July 8, 1901, an affidavit was filed showing the birth of Ralph E. Dawson, a child of the applicant.

D 609 By Sarah J. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 15, 1902.

D 617 By Richard W. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself and his minor child Ina E. as citizens by blood, and for the enrollment of his wife, Luella as a citizen by intermarriage. Luella Dawson is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, 1902.

D 626 By Ella L. Spickerman, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of herself and her minor child, Hellen J. Spickerman, as citizens by blood, and for the enrollment of her husband, John J. Spickerman as a citizen by intermarriage. John J. Spickerman is differently classified and is not embraced in this decision. On March 8, 1902, an affidavit was filed for William Glenn Spickerman, a second child of the applicant.

D 627 By Francis M. Dawson, son of Elbert Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself as a citizen by blood.

D 23 By John W. Graham, at Fairland, Indian Territory, on July 12, 1901, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Missouri and his minor children Tempa V. and Robert S. Graham, as citizens by blood. Furtherproceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2, 1902.

D 35 By Gideon Graham, at Westville, Indian Territory, on July 16, 1900, for the enrollment of himself and his minor children, John W., Julius E., Francis W., Mary E., Jesse E., Gracie L. and Florence M. Graham as citizens by blood, and for the enrollment of his wife Elizabeth Graham, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902.

D 836 By Mathew A. Painter, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverna A. and his five minor children Ada R., Eva P., John W., Ray D., and Roberta A. Painter, as citizens by blood. On December 7, 1900, an affidavit was filed for Roy V. Painter, a sixth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2 and 3, 1902.

D1124 By Charles T. Bradshaw, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself as a citizen by intermarriage, and for his wife Florence P. and his minor children, Myrtle and Claude Bradshaw as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 26, 1902.

D1125 By Joe E. Graham, at Muskogee, Indian Territory, on Febru-

ary 23, 1901, for the enrollment of himself and his minor child William C. as citizens by blood.

D1126 By John F. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor child Edna M. as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902. On October 31, 1902, a birth affidavit was filed for Robert Lee Graham, a second child of the applicant.

D1127 By James Neal, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of his wife, Joe Willie Neal, as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D1128 By James M. Grahar, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor children, Marion, Maggie, Luther, Liddie and Margaret Graham as citizens by blood, and for the enrollment of his wife Bessie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902. On October 27, 1902, a birth affidavit was filed for Floyd Graham, born since the date of this application.

D 395 By Green W. Jackson, at Vinita, Indian Territory, on September 22, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Ella Jackson as a citizen by blood.

D 476 By James H. Harmon, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Flora and his minor children, Lillie R., Claud, Dwight, and William D. Harmon, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902.

D 508 By Toshie A. Jackson, at Vinita, Indian Territory, on October 3, 1900, for his enrollment, among others, as a citizen by blood. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 7, 1900.

D 830 By Lizzie Jackson, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children Osie, Lizzie, Jessie, Ray and Clyde Jackson as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 847 By William C. Lenox, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Fannie and his minor children Birtie E. and Myrtle Lenox as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 839 By James Lowe, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his minor children, May, Zelma, Roberta and Rosa Lowe as citizens by blood.

D 405 By Millie T. Dawson, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 13, 1902.

D 406 By Texanna Woolley, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself and her minor child Irene W. Woolley as citizens by blood. On March 27, 1902, an affidavit was filed showing the birth of Wilburn E. Woolley, a second child of the applicant.

D 715 By Henry T. Richardson, at Claremore, Indian Territory, on October 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Kitty, his minor children Delia F. and Finis T. Richardson and his stepchildren, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flournoy as citizens by blood. Florence Flournoy is embraced in another application herein as Florence Morgan (D - 737). Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902, and on August 30, 1902, a birth affidavit was filed for Jasper C. Richardson, born to Henry T. Richardson and his wife, Kittie, since the date of this application.

R 12 By Etta Brauer, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by blood.

R 13 By Melissa A. Dawson, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by intermarriage.
Further proceedings in the matter of said application were had at Vinita, Indian Territory on October 4, 1900, and at Muskogee, Indian Territory, on October 14, 1902.

D 521 By Lula Pearl Weddle, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of herself and her minor children Curtis and Morris O. Weddle as citizens by blood, and for the enrollment of her husband, Hiram F. Weddle as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 14, 1902. October 31, 1902, a birth affidavit was filed showing the birth of Roy Weddle, a third child of the applicant.

D 522 By William D. Douthitt, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself as a citizen by blood.

D 343 By Alonzo M. Fishback, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Laverna A. Fishback and his minor children William A. and Annie B. Fishback as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 3, 1902.

D 737 By Elbert L. Morgan, at Claremore, Indian Territory, on October 29, 1901, for the enrollment of his wife Florence and his minor child Clide as citizens by blood. On April 30, 1902, an affidavit was filed showing the birth of Alice A. Morgan, a second child of the applicant.

D 845 By John E. Fishback, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by blood.

D 979 By George A. Mabry, at Tahlequah, Indian Territory, on December 14, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Mina, and his minor children Roby and Charley Mabry as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, January 18, 1901, and March 17, and October 15, 1902.

Proceedings were had in the matter of F. M. Dawson, et al., before Lewis T. Martin, a Notary Public on October 4, 1900, and further proceedings were had therein before the Commission at Muskogee, Indian Territory on March 17, 1902. All of these proceedings have been made a part of the record herein.

The evidence, and an examination of the records of the Cherokee Nation, in the possession of this Commission show that on January 11, 1883, one Robert Dawson and his adult children, F. M. Dawsin, Elbert Dawson, Jasper Dawson, Mollie Dawson, Wilborn Dawson, James Dawson, Rial Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson and John Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship, commonly known as the "Teehee Court", and that on September 9, 1884, one James Dawson, a brother of the Robert Dawson aforesaid, together with his adult children, Ella Dawson, W. A. Dawson, Malvina Dawson and Missouri Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship commonly known as the "Spears Court." In addition to their tribal enrollment as shown by the evidence herein, it also appears from an examination of the Cherokee tribal rolls, in the possession of this Commission, that F. M. Dawson is identified on the Cherokee pay rolls of 1883 and 1894, Elbert Dawson on the Cherokee pay roll of 1886, Mollie Dawson on the pay roll of 1883, Wilborn Dawson on the pay rolls of 1886 and 1894, James Dawson on the pay rolls of 1883 and 1894, Rial Dawson on the pay rolls of 1886 and 1894, Josephine Dawson on the pay roll of 1886, Jane Dawson on the pay roll of 1883, Joseph Dawson and John Dawson on the pay rolls of 1883, 1886 and 1894, Ella Dawson and W.A.

Dawson on the pay roll of 1886, and Missouri Dawson on the pay roll of 1894.

A majority of the above named persons, together with the descendants of the persons admitted as aforesaid and such white persons as may have intermarried with the said Dawsons or their descendants are the applicants herein.

For convenience, the applications are divided into groups:

Group 1, includes the applications of Francis M. Dawson and those claiming through him and embraces cases numbered D 324, D 583, D 584, D 588 and D 835.

The evidence shows that Francis M. Dawson is the same person admitted to citizenship as hereinbefore stated under the name of F.M. Dawson. Katie Dawson, his wife, was married to him on November 21, 1880. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married, and the six children included in the application of said Francis M. Dawson, and hereinbefore named are the issue of the marriage aforesaid. All the applicants herein are identified on the Cherokee Census roll of 1896.

John Dawson, William R. Dawson, Lizzie Atkins, formerly Dawson, Francis M. Dawson, Jr., and Arizona Allred are the children of said Francis M. Dawson by a former wife, Julia Ann. They were minors at the date of their father's admission to citizenship. John Dawson, Lizzie Atkins and Francis M. Dawson, Jr., are identified on the Strip Payment roll of 1894, and William R. Dawson and Arizona Allred are identified on the Cherokee Census roll of 1896.

Andrew C. Atkins was married under a Cherokee marriage license

and in accordance with the laws of the Cherokee Nation on March 29, 1891, to the above named Lizzie Dawson. He has resided in the Cherokee Nation with his said wife since they were married, and the four children included in his application, and hereinbefore named are the issue of that marriage. The oldest child, Arthur, is identified on the Cherokee pay roll of 1894, and the three younger children are identified by birth affidavits on file with this Commission.

Arizona Allred, nee Dawson, came from Arkansas to the Cherokee Nation for the first time in 1894, remained there about two years and then returned to Arkansas, where she was married to Lee Allred. Such marriage was not in accordance with the laws of the Cherokee Nation. Arizona Allred and her husband came to the Cherokee Nation in 1896, stayed there a month and returned to Arkansas where they remained until September, 1898, at which time they came to the Cherokee Nation, remained there about a year and returned to Arkansas in 1899, where they were living at the date of this application. William C. Allred is the child of said Arizona Allred and possesses no rights not acquired by his mother. He is identified on the Cherokee Census roll of 1896.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides:

> "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The evidence further shows that Francis M. Dawson, his wife, Katie and William P. Dawson, Francis M. Dawson, Jr., and Lizzie Atkins have resided in the Cherokee Nation since 1883, and Andrew C. Atkins, the husband of said Lizzie Atkins, since 1891, and that John Dawson has resided in the Cherokee Nation for at least fourteen years prior to the date of his application. The residence of the minor children of the above named persons is considered to be that of their parents, with whom they are living.

Group XX, includes the applications of Samuel R. Dawson, together with those claiming through him and embraces cases numbered D 380, D 358, D 358, D 385, D 482 and D 408.

The evidence shows that Samuel R. Dawson is identified as the Rial Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. His wife, Catherine, a white woman, was married to him on July 11, 1868. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since their marriage, and August and Mate Dawson are the issue of the aforesaid marriage. Samuel R. Dawson, his wife and children are identified on the Cherokee Census roll of 1896.

Robert Dawson, Albert H. Dawson, Josephine Bulawsky, formerly Josephine Dawson, John W. Dawson, and Katie Newman, formerly Katie Dawson are the children of said Samuel R. Dawson. They were minors at the date of their father's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Sarah F. Dawson, nee Abbott, was married to the said Albert H. Dawson in October, 1894. She has lived with her said husband, since they were married. Ralph H., Alford and Cecil Dawson are the issue of that marriage. Sarah F. Dawson and her child Ralph H. are identified on the Cherokee Census roll of 1896. Alford is identified by a birth affidavit on file with this Commission. The evidence further shows that the youngest child, Cecil Dawson, is dead.

August Bulawsky, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 25, 1893, to the said Josephine Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. The

four older children are identified on the Cherokee Census roll of 1896, and the Strip payment roll of 1894. May Bulawsky is identified on the Cherokee Census roll of 1896, and Oscar Bulawsky is identified by a birth affidavit on file with this Commission.

Mannie Dawson, nee Baugher, was married to the said John W. Dawson on September 2, 1894, and she has lived with her said husband since they were married.

The evidence further shows that Samuel R. Dawson, his wife, Catherine, and Robert Dawson, Albert H. Dawson, John W. Dawson, and Katie Newman have resided in the Cherokee Nation since 1886, August Bulawsky and his wife Josephine, since 1892, and Sarah F. and Mannie Dawson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group III, includes the application of John Dawson, and those claiming through him and embraces cases numbered D 578, D 360 and D 530. The evidence shows that John Dawson is the same person admitted to citizenship in the Cherokee Nation as hereinbefore stated. Sarah J. Dawson, nee Wood, his wife, a white woman, was married to him on October 4, 1871. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married and the nine children included in the application of said John Dawson, and hereinbefore named, are the issue of said marriage. John Dawson, his wife, and his seven older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Thomas P. Dawson and Orle H. Dawson are the children of said John Dawson. They were minors at the date of their father's admission to citizenship, and they are both identified on the Cherokee

Census roll of 1896.

Thomas P. Dawson was married on April 24, 1898, to Allen A. Allison, and Marion J. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Orle H. Dawson was married on December 28, 1899, to Addie York, and Burr R. and James W. Dawson are the issue of that marriage. The said children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John Dawson and his wife, Sarah J., have resided together in the Cherokee Nation since 1883; that said Orle H. Dawson has resided in the Cherokee Nation since 1883, and that Thomas P. Dawson has resided in the Cherokee Nation since 1888. The residence of the minor children herein is considered to be that of their parents, with whom they are living.

Group IV, includes the applications of those claiming through the said Josephine Dawson, now deceased. At the time of her admission she was the wife of one Thomas Pierce, but was admitted to citizenship under maiden name of Dawson. The group embraces cases numbered D 408, D 409, D 431, D 471, D 472 and D 479.

The evidence shows that Robert Pierce, William Pierce, Charles E. Pierce, Oma Gray, formerly Oma Pierce, Effie Pierce (now Effie Akin) and Nancy J. Bogle, formerly Nancy J. Pierce are the children of said Josephine Dawson. They were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Nellie Pierce, a white woman, was married to said Robert Pierce on July 15, 1894. She has lived with her said husband since they were married, and Lyrtle and Arthur Pierce are the issue of that marriage. Nellie Pierce is identified on the Cherokee Census roll of 1896, and her two children are identified by birth affidavits on file with this Commission.

Oma Gray was married to John B. Gray on April 7, 1898, and Cecil and Velton Gray are the issue of that marriage. Oma Gray is identified on the strip payment roll of 1894 and her children are identified by birth affidavits on file with this Commission.

John S. Bogle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 5, 1894, to the above named Nancy J. Pierce. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. John S. Bogle and his two older children are identified on the Cherokee Census roll of 1896, and his four younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said William Pierce died in January, 1902.

It further appears that Robert Pierce, Charles E. Pierce, Nancy J. Bogle and Oma Gray have resided in the Cherokee Nation since 1884; that John S. Bogle, husband of Nancy J. Bogle, and Nellie Pierce, wife of Robert Pierce, have resided in said Nation ever since they were married, and the residence of the minor children herein is considered to be that of their parents with whom they are living. It appears that Effie Akin was seventeen years old at the date of the application for her enrollment, and it further appears that she resided in the Cherokee Nation from about 1886 up to December, 1900, when she went to Colorado, was married there to Will Akin, and is now living in that state with her said husband.

Group V, includes the application of the said Joseph Dawson, Wilborn Dawson and James Dawson, and embraces cases numbered D 364, D 475 and D 526.

Joseph R. Dawson is identified as the Joseph Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. He was married to Florence Jackson on May 16, 1886, and they have lived to-

gether since the date of their marriage. The said Florence Jackson is the daughter of Ella Dawson, but she was of age at the date of her mother's admission to citizenship. The six children included in the application of said Joseph R. Dawson, and hereinbefore named, are the issue of the marriage between the said Joseph R. Dawson and Florence Jackson. The applicant, his said wife and his four older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Wilborn Dawson is identified as the person of that name admitted to citizenship in the Cherokee Nation as hereinbefore stated. He is identified on the Cherokee Census roll of 1896.

James R. Dawson is identified as the James Dawson admitted to citizenship in the Cherokee Nation as heretofore stated. His wife, Martha A. Dawson was married to him on February 20, 1890. She has lived with her said husband since the date of their marriage, and the four children included in the application of said James R. Dawson, and hereinbefore named, are the issue of said marriage. The applicant, his said wife and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

The evidence further shows that Joseph R. Dawson has resided in the Cherokee Nation since 1883; that Florence Dawson and Wilborn Dawson have resided in said Nation since 1886, and that James R. Dawson has resided in said Nation since 1883, excepting a temporary absence from 1889 to 1891. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VI, includes the application of Mollie Dawson and those claiming through her and embraces case numbered D 518.

The evidence shows that Mollie Moore, formerly Dawson, is identified as the Mollie Dawson admitted to citizenship in the Cherokee

Nation as hereinbefore stated. Her husband, Charles T. Moore, was married to her under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on January 17, 1887. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of said marriage. Charles T. Moore, his wife Lollie, and his four older children are identified on the Cherokee Census roll of 1896; the two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that said Charles T. Moore, his wife Mollie and his oldest child have resided in the Cherokee Nation since 1883; the younger children have resided in said nation all their lives.

Group VII, includes the applications of those claiming through the above named Jane Dawson, who, at the time of her admission to citizenship in the Cherokee Nation, as hereinbefore stated, was the wife of one Alexander Blasingame, but she was admitted under her maiden name of Dawson. Jane Dawson is a resident of Arkansas, and is not an applicant for enrollment. This group embraces cases numbered D 832, D 833 and D 834.

The evidence shows that Henry A. Blasingame, Elbert L. Blasingame, and James R. Blasingame are the children of said Jane Dawson. They were minors at the time of their mother's admission to citizenship and they are all identified on the Cherokee Census roll of 1896.

Henry A. Blasingame was married to his wife Birdie J., on December 6, 1896, and Vinnie C. Blasingame is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Ida Blasingame, a white woman, was married to the said Elbert L. Blasingame on September 5, 1894. She has lived with her said husband ever since they were married and the minor children included in the application of said Elbert L. Blasingame are the

issue of that marriage. The said Ida Blasingame and her two older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Mary A. Blasingame was married to the said James R. Blasingame on August 11, 1895. She has lived with her said husband since they were married and the three minor children included in the application of said James R. Blasingame, and hereinbefore named, are the issue of that marriage. Mary A. Blasingame and her oldest child are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said Henry A. Blasingame, Elbert L. Blasingame and James R. Blasingame removed to the Cherokee Nation in 1897 and have resided therein with their said wives ever since. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VIII, includes the applications of those claiming through the said Elbert Dawson, and embraces cases numbered D 435, D 604, D 608, D 605, D 609, D 617, D 626 and D 627.

The evidence shows that Zona Patterson, formerly Dawson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Richard W. Dawson, Ella L. Spickerman, formerly Dawson, and Francis M. Dawson are the children of the said Elbert Dawson. All of them, excepting the said Francis M. Dawson, were minors at the time of their father's admission to citizenship. Zona Patterson is identified on the Cherokee Census roll of 1896, and William C. Dawson, Robert L. Dawson, Elbert B. Dawson and Richard W. Dawson are identified on the Strip payment roll of 1894. An examination of the Cherokee tribal rolls, in the possession of this Commission, shows that the said Ella L. Spickerman is also identified on the Strip payment roll of 1894.

Martin L. Patterson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 13, 1890, to the said Zona Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. Martin L. Patterson and his three older children are identified on the Cherokee Census roll of 1896, and his three younger children are identified by birth affidavits on file with this Commission.

Alice Dawson, nee Alexander, was married to the said William C. Dawson on November 18, 1886. She has lived with her said husband ever since they were married.

Elbert B. Dawson was married on February 16, 1898, to Cora Bright, a non-citizen, and his child Ralph E. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Sarah J. Dawson, nee Jones, was married to the above named Elbert Dawson about 1854, and lived with him as his wife until his death in February, 1899, and has not re-married since his death. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

Richard W. Dawson was married to Luella Mason, a white woman, on January 24, 1898. His child Ina E. Dawson is the issue of that marriage, and she is identified by a birth affidavit on file with this Commission.

Ella L. Spickerman was married to John J. Spickerman, a white man on September 7, 1897. Her children Hellen J. and William Glenn are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

It further appears from the evidence that Francis M. Dawson, son of Elbert Dawson, at the time of his father's admission to citizen-

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321), Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of,

> "all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1883, Alice Dawson since 1886, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson, This group embraces cases numbered D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on February 12, 1880, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1866, and has lived with her since that time. Tempa V. and Robert S. Graham are the issue of the aforesaid marriage. John W. Graham, his wife and two children were living on the date of the Cherokee roll of 1896.

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis L. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321). Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of,

> "all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1885; Alice Dawson since 1886, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered, D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1888, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1866, and has lived with her since that time. Tempe V. and Robert S. Graham are the issue of the aforesaid marriage. John W. Graham, his wife and two children are identified on the Cherokee Census roll of 1896.

Joe E. Graham was married to Mary Bradshaw, a non-citizen on January 6, 1898. William C. Graham is the issue of that marriage, and he is identified by a birth affidavit on file with this Commission.

John F. Grahar was married on February 11, 1900, to Mattie Lawson, a non-citizen, and Edna M. and Robert Lee are the issue of that marriage. Said children are identified by birth affidavits on file with this Commission.

Bessie Graham was married on November 2, 1892, to the said James M. Graham. She has lived with him since the date of their marriage, and the six children included in the application of said James M. Graham, and hereinbefore named, are the issue of the said marriage. The oldest child Marion is identified on the Strip payment roll of 1894, and the five younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John W. Graham, his wife Missouri Graham, Gideon Graham, Mathew A. Painter, and his wife Laverna A. Painter, Florence P. Bradshaw, John F. Graham and Joe Willie Neal have resided in the Cherokee Nation since 1888, and that Joe F. Graham and James M. Graham have resided in the Cherokee Nation since 1884. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group X, includes the application of the said Ella Dawson and those claiming through her. The said Ella Dawson, at the time of her admission to citizenship, was the wife of Green W. Jackson, but she was admitted to citizenship under her maiden name of Dawson. This group embraces cases numbered D 395, D 470, D 508, D 830 and D 847.

The evidence shows that Green W. Jackson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on March 24, 1887 to the said Ella Dawson. He had been previously married to her in Texas prior to her admission to

citizenship. From an affidavit made a part of this record it appears that Green W. Jackson died subsequent to the date of this application, and prior to September 1, 1902.

The evidence further shows that Flora Harmon, formerly Jackson, Toshie A. Jackson, William Jackson and Fannie Lenox, formerly Jackson are the children of said Ella Dawson, now Ella Jackson. Flora Harmon, Toshie A. Jackson and Fannie Lenox were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

James H. Harmon was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on April 24, 1887, to the said Flora Jackson. He has lived with his wife since the date of their marriage, and the four minor children included in his application, and hereinbefore named, are the issue of the said marriage. James H. Harmon and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

William C. Lenox was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on April 1, 1888, to the said Fannie Jackson. He has lived with his wife since the date of their marriage, and the two children Birtie E. and Myrtle Lenox, included in his application, are the issue of the said marriage. William C. Lenox and his two children are identified on the Cherokee Census roll of 1896.

Lizzie Jackson claims to have been married in 1868 to the said William Jackson, who is now deceased. It appears that William Jackson at the date of his mother's admission to citizenship, was over twenty-one years old. There is no evidence that the said William Jackson was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission

to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Lizzie Jackson and the five minor children included in her application, and hereinbefore named, are identified on the Cherokee Census roll of 1896, and they take only such rights as may have been possessed by the said William Jackson. The authority of the Commission herein is defined in Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

The evidence further shows that the said Ella Jackson, the said Flora Harmon and the said Toshie A. Jackson have resided in the Cherokee Nation since 1884, and that William C. Lenox, and his wife Fannie Lenox have resided in the Cherokee Nation since 1888. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XI, includes the applications of those claiming through Malvina Dawson and embraces case numbered D 839.

The evidence shows that James Lowe is the son of the said Malvina Dawson, and that at the time of her admission to citizenship the said James Lowe was over 21 years old. There is no evidence that the said James Lowe was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). It further appears that the said James Lowe was married on June 12, 1887, to Mollie Knight, a white woman, and the four minor children included in his application and hereinbefore named, are the issue of that marriage. James Lowe and his said children are identified on the Cherokee Census roll of 1896 and said children take only the rights which may have been acquired by their father.

The authority of the Commission herein is defined in Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

Group XII, includes the applications of those claiming through the said W. A. Dawson and embraces cases numbered D 405, D 406, D 715, R 12 and R 13.

The evidence shows that Millie T. Dawson was married to the said W. A. Dawson in 1892 and lived with him as his wife in the Cherokee Nation until his death in 1899, and that she has not re-married since his death. Texanna Woolley is the daughter of said W. A. Dawson and his former wife Melissa A. Dawson. Texanna Woolley was a minor at the date of her father's admission to citizenship, and she is identified on the Strip payment roll of 1894. She was married on March 27, 1898, to James Woolley, and her children Irene W. and Wilburn E. are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

Henry T. Richardson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 11, 1886, to one Sellar Dawson, who was the daughter of the said W. A. Dawson by his first wife Melissa A. Sellar Dawson was a minor at the date of her father's admission to citizenship. Henry T. Richardson lived in the Cherokee Nation with his said wife Sellar from the date of their marriage until her death in 1892. On September 22, 1898, Henry T. Richardson married one Kitty Flournoy nee Dawson. The said Kitty Flournoy was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Of the children herein applied for, Delia F. Richardson is the child of the applicant by his first wife, Sellar. Finis T. Richardson and Jasper C. Richardson are children by his wife Kitty. Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy are the children of his said wife Kitty by a former husband.

The six older children were admitted to citizenship in the Cherokee Nation on December 7, 1894, with their mother as the members of her family. The youngest child Edna Flournoy was born in 1896 and was living at the date of this application. Delia F. Richardson is identified on the Cherokee Census roll of 1896, and Finis T. and Jasper C. Richardson are identified by birth affidavits on file with this Commission.

Etta Brauer is the daughter of said W. A. Dawson, and was a minor at the date of her father's admission. She was married in 1892 to a non-citizen but such marriage was not in accordance with Cherokee laws. She is identified on the Cherokee Census roll of 1896.

Melissa A. Dawson was married to the said W. A. Dawson in the State of Texas on September 28, 1873. The Supreme Court of the Cherokee Nation in the case of Melissa A. Dawson vs. W. A. Dawson, decided that Melissa A. Dawson, the applicant herein was a citizen of the Cherokee Nation by virtue of intermarriage with her said husband, W. A. Dawson. She is identified on the Cherokee Census roll of 1896, and she has not re-married since her divorce from said W. A. Dawson.

The evidence shows that Texanna Woolley has resided in the Cherokee Nation since 1884: that Etta Brauer and Melissa A. Dawson have resided in the Cherokee Nation, with the exception of temporary absences, since 1884; that Millie T. Dawson has resided in the Cherokee Nation since 1892; that Henry T. Richardson has resided in the Cherokee Nation since 1886, and that Kitty Richardson, his wife, has resided in the Cherokee Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XIII, includes the following applications: Hiram F. Weddle, et al D 521: William D. Douthitt, D 522; Alonzo M. Fishback, D 343; Florence Morgan, et al D 737, John R. Fishback, D 845 and George A. Mabry, et al D 979. The persons embraced in these appli-

cations are related to the above named Dawsons. They are not claiming the right to enrollment by virtue of such relationship, but rely upon a separate adjudication of their rights.

The evidence shows that Hiram F. Weddle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on September 13, 1884, to Lula P. Douthitt, who was admitted to citizenship in the Cherokee Nation by the said "Spears Court" on September 13, 1884. Curtis, Morris O. and Roy Weddle are the issue of the said marriage. Hiram F. Weddle and his said wife are identified on the Cherokee Census roll of 1896, and their three children are identified by birth affidavits on file with this Commission.

William D. Douthitt is the brother of said Lula P. Weddle, and was admitted to citizenship in the Cherokee Nation with his said sister on September 13, 1884. He is identified on the Cherokee Census roll of 1896.

Alonzo M. Fishback was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 17, 1891, to Lavirna A Dawson. He had been previously married to the same wife in Texas in 1877, and has lived with her ever since. It appears that Lavirna Fishback was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 4, 1891. William A. and Annie B. Fishback are the issue of the said marriage. Alonzo M. Fishback and his said wife and children are all identified on the Cherokee Census roll of 1896, and his wife is also identified on the Cherokee pay roll of 1890.

Florence Morgan, the wife of Elbert L. Morgan, is the daughter of the Kitty Richardson heretofore mentioned and was admitted to citizenship in the Cherokee Nation on December 1, 1894 with the said Kitty Richardson as a member of her family. Clide and Alice A. Morgan are the children by her said husband. The said children are

identified by birth affidavits on file with this Commission.

John E. Fishback is the son of Laverna Fishback, who was re-admitted to citizenship on December 1, 1894, as heretofore stated. He was a minor at the date of his mother's admission to citizenship and he is identified on the Cherokee Census roll of 1896.

George A. Mabry was married to one Edna Dawson in the State of Arkansas in 1884. He claims to have been married under a Cherokee marriage license to his said wife in 1889, but he presents no satisfactory proof of such marriage. Edna Dawson was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Roby and Charley Mabry are her children by her said husband, George A. Mabry. Edna Mabry is identified on the strip payment roll of 1894, and the two children were minors at the date of their mother's admission to citizenship.

The evidence further shows that Alonzo H. Fishback and his wife Laverna A. Fishback have resided in the Cherokee Nation since 1883; that Lula P. Weddle, William D. Douthitt, and John E. Fishback have resided in the Cherokee Nation since 1884, and that Florence Morgan and Edna Mabry have resided in said Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

All birth affidavits for the minor children embraced in this decision, and hereinbefore noted, are made a part of this record.

It is contended by the Cherokee Nation that the applicants herein are not entitled to be enrolled by this Commission because they have never been lawfully admitted or enrolled by the Cherokee authorities, and that the judgment of the Cherokee Commission on Citizenship admitting Robert Dawson and his family was obtained by fraud on the part of said Dawson.

In considering the question at issue, it is the opinion of this Commission that it has not power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and were passed upon by that Commission. In United States vs. Throckmorton, 98 U.S. Page 61, it is stated, "the doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment assailed." Only such facts therefore, are considered by this Commission, as were not part of the record in the Robert Dawson case before the Teehee Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Teehee Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment.

Briefly stated, the circumstances attending the admission of the Dawsons appear to be as follows:

On September 24, 1881, an application was made to the Cherokee Commission on Citizenship known as the "Teehee Court" for admission to Cherokee citizenship of Robert Dawson and the members of his family above mentioned. The members of that Commission were Thomas Teehee, Alex Wolfe and T. F. Thompson. The first two were full blood Cherokee Indians; they could understand, but could not talk English. One D. W. C. Duncan was the Clerk of the Commission. The Dawson case was continued several times before final decision. J. M. Bryan appears to have been an attorney in the case, and after some delay he notified Francis M. Dawson that the case would be taken up by the Commission at its session in January, 1883, and also informed him that C.H.Taylor would look after Dawson's interests as he, Bryan,

would be in Washington. On receipt of this notice Francis M. Dawson went to Fort Gibson, Cherokee Nation, and made arrangements with his uncle Samuel H. Benge to go to Tahlequah and conduct the case. Benge who is a witness herein testifies that he was connected with the Dawson case when it was commenced in 1881; that it was continued several times for want of evidence, and that in January, 1883, in company with F. M. Dawson he went to Tahlequah and while there secured the testimony of Tosh Rogers, a negro, who knew the Dawson's ancestors, and that after getting his evidence the case was submitted to the Commission. He further testifies that the Commission rendered a decision against the Dawsons and that next morning the Commission reopened the case, but not upon motion of the witness, and rendered a judgment admitting the Dawsons to citizenship. He further states that on his way home to Fort Gibson with Dawson he remarked to the latter, "it was a pretty hard blow when they rendered a decision against us," to which Dawson is alleged to have replied, "yes, but Duncan was the man to reach and he reached him with five hundred dollars."

Dawson denies ever having had such a conversation and says that he did not return to Fort Gibson with Benge but went home to Arkansas by a different route.

C. H. Taylor testifies that he was an attorney in the case and was present when the case was decided. He says there were only two Commissioners present, Tee-hee and Wolfe. He further testifies that D. W. C. Duncan, the Clerk of the Court asked the witness to let him know when any large citizenship cases came up; that he introduced F. M. Dawson to Duncan on the evening of January 10th, heard part of a conversation between them in which Duncan addressing Dawson said, "there is a hitch in your evidence, if that was straightened out it will be all right." Next morning witness says Dawson told him to call up the case while he [illegible]. That there was no additional

evidence introduced and no argument made and that the case was then decided in favor of the Dawsons. Witness further testifies that Dawson gave him twenty dollars and said he would send him the balance in a short time, that in the course of ten days he sent him one hundred dollars with directions to pay over half of it to Duncan; that Dawson soon afterwards sent him another hundred dollars with the same instruction to give Duncan half of it.

Dawson denied the matters testified to by Taylor excepting in the matter of paying Taylor money, which he admits in part, but says that the twenty dollars mentioned was sent to Taylor about a year after the decision, and that he instructed Taylor to pay it over to Duncan to pay him for a land claim, and that the other money was in payment of J. M. Bryan's attorney fees which Taylor represented to Dawson he had for collection against him. Taylor's reputation for truth and veracity has been impeached by various disinterested witnesses.

The evidence which may be considered as tending to support the charge of fraud is the testimony of S. H. Denge, C. H. Taylor, Thomas J. Babeart, J. L. Clinkenbeard, James W. Lewis, C. G. Draught and David Meredith.

S. H. Denge testifies that a judgment adverse to the Dawsons was rendered by the Commission on the evening of one day and without any additional proceedings in the case that judgment was reversed on the morning of the next day.

Even if this were a material fact, there is no other proof that two judgments in the case were ever rendered. The record of the proceedings and judgment in the Commission's docket is all on one page, the entry of the application in 1881 and the first continuance being entered under authority of a former Commission and by a different clerk, and there is no evidence of erasure on that page. It is not an unusual thing for a Court to change its judgment, and this fact, if it is a fact, is not in itself any evidence of fraud.

Thomas B. Babeart testifies that one James Dawson, a man of forty or fifty years of age, in company with Butler, the Commission's interpreter and Jim Smith solicitor for the Nation, came to the witness in Tahlequah the evening of January 10, 1885, to borrow some money; that Dawson was vouched for by Butler as a responsible party and that Dawson told the witness that he had to have money that night, that his case was to be submitted the next day if he could get some money, that Smith had agreed to submit the case without evidence, and that witness thereupon let Dawson have ten dollars.

Admitting all this to be true and that the influence of these officials was purchased for the sum of ten dollars, the Commission fails to see how these alleged facts show that the Court was imposed upon or misled. Bribery of officials to use their influence with the Commission would not necessarily vitiate the judgment, but it must appear that the fraud, or corruption reached the members of the Commission and tainted the judgment itself. The case was not submitted without evidence as appears from the record, and it is shown that such evidence was carefully considered by that Commission. Furthermore, the evidence shows that there was no such person then in Tahlequah as the James Dawson described by witness.

Clinkenbeard testifies that he had a talk with Elbert Dawson about 1881; that Dawson told him he had only one witness, Dr. Baker of Arkansas, "an old man 85 or 90 years old who did not know straight up" and that he could give Dr. Baker four drinks of Arkansas whiskey and he would swear black was white. Witness further testifies that Dawson told him that money was what made the mare go in Texas, and that he had found out that it goes here too.

Assuming that this Commission can go into thequestion of perjury in connection with evidence in that case, the testimony of Clinkenbeard establishes, if anything, only the facts stated, and does not prove [illegible] that [illegible] testi-

mony before the Commission. Further, it is not clear that Dr. Baker was the only witness in the case. Bonge stated that Tosh Rogers was a witness, Duncan is under that impression also, and T. F. Thompson, one of the Commissioners states that he thinks there were three witnesses. The testimony of Dr. Baker seems however to be the only testimony preserved of record. As to whether Doctor Baker offered perjured testimony by Dawson's procurement, it is proper to state that the evidence of W. H. Curtis and A. S. McClennon, witnesses for applicants, show that Doctor Baker was a man of integrity and was not addicted to drinking.

The testimony of James W. Lewis is to the effect that he had a conversation with F. M. Dawson about 1885, in which Dawson had told the witness that it had cost him seven hundred dollars to get his rights. Draught also testifies that he was an applicant for citizenship about 1881 or 1882, and that while his case was pending he had a talk with F. M. Dawson who told him that if he (the witness) ever got in, it would cost him seven hundred dollars, and that Dawson told him he had paid one witness three hundred dollars, and made arrangements with the Court to get the Dawsons in at one hundred dollars a family. David Meredith testifies that he had a talk with old James Dawson in 1880, and that the latter told the witness it cost him twelve hundred dollars to get his case through.

It can hardly be urged that such evidence is sufficient to show that the members of the Teehee Commission were corrupted by the fraudulent use of money. So far as these witnesses have been able to testify the money spent by the Dawsons might have been for proper and legitimate purposes. F. M. Dawson gives a detailed statement of what the case cost him and his brother in a legitimate way. The presumption can not be indulged that such moneys were used for fraudulent purposes and the proof to the contrary must be very clear

before this Commission will deny applicants the right to be enrolled upon that ground.

Admitting the truth of all the testimony in this case as to the actual transfer of money by the Dawsons, it appears that Duncan, Butler and Smith were the only beneficiaries of that money. There is no evidence that the members of the Commission received or were offered any of it.

The judgment entered in the Commission's docket shows the signature of the three members of the Commission appended thereto. There is some conflict as to whether Duncan signed Thompson's name, or whether Thompson affixed his own signature. Duncan testified that all three signatures were made by him as Clerk under authority of the Commissioners present, the two full bloods being unable to sign their names. T. F. Thompson testifies that he signed the original transcript of the judgment, which was made on the day of its rendition. The question, however, is not considered to be very material. The signing of judgments by each Commissioner appears to have been a matter of custom only. T. F. Thompson testifies that he remembers the Dawson case and recognizes the judgment therein as the final judgment of the Commission, and that there was no fraud or corruption in the procurement of that judgment by the Dawsons or by any one else so far as he knew.

Much evidence has been introduced by the Cherokee Nation for the purpose of showing that the ancestor, through whom the Dawsons claim, was not a Cherokee, and that other members of the Dawson family, claiming from the same source, have been denied Cherokee citizenship by subsequent Cherokee tribunals, and also by this Commission and by the United States Court. Such evidence, in the opinion of this Commission, is not competent for any purpose in this proceeding. The only question before this Commission is whether there was

fraud in the procurement of the Robert Dawson judgment, and not whether the applicants are Cherokee Indians, or whether they ought to have been admitted to citizenship upon the proof submitted. These were questions presented, considered and passed upon by the Teehee Commission. If their decision is a valid and regular judgment, it is binding on this Commission. If, on the contrary, the applicants have never been lawfully admitted to citizenship, because the judgment under which they claim is void, for fraud, then the question as to whether they are Cherokees by blood is not material, as this Commission has now no authority to admit them to citizenship.

While it is true, that since 1883, a number of applicants, members of the Dawson family, have been denied admission to citizenship in the Cherokee Nation, no argument derived therefrom is of any force, for it is also true that other members of the same family have been admitted to citizenship, and the action of the Cherokee authorities in admitting them has never been questioned by the Cherokee Nation. Whatever inference, therefore, may be drawn from these facts applies with equal force both for and against the validity of the judgment in question.

The Dawsons have lived in the Cherokee Nation, most of them since 1883; they have exercised the rights of Cherokee citizenship for many years, some of them occupying official positions in the Nation, and no protest seems to have been made against their citizenship until within the last few years. The records of the Cherokee Nation, in the possession of this Commission, show, that since 1883, there have been Commissions on citizenship charged with authority to investigate the judgments of former tribunals alleged to have been secured by fraud, and the Cherokee Legislature had power to order an investigation, and to create a tribunal with authority to set aside a judgment so obtained. No such action appears to have been taken

by the Cherokee authorities with reference to the judgment of the Teehee Commission in the Robert Dawson case.

After a careful consideration of all the facts in this case this Commission is of the opinion that the evidence fails to establish that the Dawsons secured their admission to citizenship by fraud or that the judgment of the Teehee Commission as rendered January 11, 1883, was fraudulent as the result of corruption, bribery, or deception upon the part of the Dawsons, or their agents, and that such judgment, and also the judgment of the Spears Commission in 1884, and the Act of the Cherokee National Council of December 1, 1894, which have not been attacked by the Cherokee Nation, being regular on their face, must therefore be accepted by this Commission as the valid judgments of the duly constituted Cherokee authorities.

It is, therefore, the opinion of this Commission that,

(Group I.) Francis M. Dawson, son of Robert Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson, Jr., son of Francis M. Dawson and grand-son of Robert Dawson,

(Group II.) Samuel R. Dawson, August Dawson, Nate Dawson, Robert Dawson, Albert E. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman,

(Group III) John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles D. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Marice J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson,

(Group IV) Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Ona Gray, Cecil Gray, Velton Gray, Effie Akin (formerly

Effie Pierce), Fancy J. Bogle, James E. Bogle, Edna M. Bogle, John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle,

(Group V) Joseph R. Dawson, Clarence E. Dawson, Council T. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson,

(Group VI) Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore,

(Group VII) Henry A. Blasingame, Vinnie C. Blasingame, Albert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame,

(Group VIII) Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman,

(Group IX) Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham,

(Group X) Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon,

Dwight Harmon, William D. Harmon, Tossie A. Jackson, Fannie Lenox, Dirtie E. Lenox, Myrtle Lenox,

(Group XII) Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Witty Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer,

(Group XIII) Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry, and Charley Mabry,

should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and that

(Group I) Katie Dawson, Andrew C. Atkins,

(Group II) Catherine Dawson, Sarah F. Dawson, August Dulawsky, Nannie Dawson,

(Group III) Sarah J. Dawson, nee Wood,

(Group IV) Nellie Pierce, John S. Bogle,

(Group V) Florence Dawson, Martha A. Dawson,

(Group VI) Charles T. Moore,

(Group VII) Ida Blasingame, Mary A. Blasingame,

(Group VIII) Martin L. Patterson, Alice Dawson, Sarah J. Dawson, nee Jones,

(Group IX) John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham,

(Group X) James H. Harmon, William C. Lenox,

(Group XII) Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson

(Group XIII) Hiram F. Weddle and Alonzo M. Fishback, should be

enrolled as citizens by intermarriage of the Cherokee Nation in accordance with the provisions of said Section twenty-one of the Act of Congress, and it is so ordered

It is further the opinion of this Commission that, for the reasons heretofore stated, the applications for the enrollment of Arizona Allred and William C. Allred, (embraced in D 835); Francis M. Dawson, son of Kibert Dawson, (embraced in D 827); Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, and Clyde Jackson, the children of William and Lizzie Jackson, (embraced in D 830); James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe, (embraced in D 839), as citizens by blood of the Cherokee Nation, and that the applications of Lizzie Jackson, widow of William Jackson, (embraced in D 830), and George A. Mabry (embraced in D 979), as citizens by intermarriage of the Cherokee Nation should be denied, in accordance with the provisions of the law heretofore quoted, and it is so ordered.

As hereinbefore stated William Pierce (D 409) and Cecil Dawson (D 358) and Green W. Jackson (D 395), died prior to September 1, 1902. It further appears from affidavits, made a part of this record that Liddie and Margaret Graham (D 1128) have died since the date of the application for their enrollment and prior to September 1, 1902.

It is, therefore, ordered that the applications for the enrollment of said William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham be, and the same are hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(Signed) TAMS BIXBY,
Acting Chairman.

(Signed) T. B. NEEDLES,
Commissioner.

Dated at Muskogee, Ind. Ter.,
this Dec. 23, 1902.

(Signed) C. R. BRECKINRIDGE,
Commissioner.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 1st, 1902

Mrs. Texanna Wooley,

Dawson, Indian Territory,

Madam:-

You are hereby notified that the application of yourself and daughter

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

17th day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Cherokee D-406

Register.

Acting Chairman.

INDEXED D406

4680 M[illegible]

Woolley, Texana,
Dawson, I. T.,
March 23, 1902.

---------o---------

Gives correct spelling of her name.

Hanford. N. D.
March. 23. 1902.

The Hon. Names Commission
The correct way to spell my name
is Deanna Holley. but it is
sometimes spelled Deanna Hooley through
a mistake. but the correct way is
Deanna Holley.

very Respt
Deanna Holley.

COPY.

Cherokee D-324--

Muskogee, Indian Territory, January 24, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Nate Dawson, Robert Dawson, Albert M. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Virgal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle M. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles T. Pierce, Ona Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E. Bogle, Edna M. Bogle, John H. Bogle, Marvin H. Bogle,

Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Dora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna R. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert D. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy [illegible] Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley,

Mittie Richardson, Edgar Flourney, Walter Flourney, Alice Flourney, Laura Flourney, Oscar Flourney, Claude Flourney, Edna Flourney, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. M-130.

COPY.

Cherokee D-324---

Muskogee, Indian Territory, February 10, 1903.

. . McDannon,

Attorney for Francis M. Dawson, et al,

Wewoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J.F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles L. Dawson, Hattie . Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E. Bogle, Edna E. Bogle, John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E.

[illegible], [illegible] J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. [illegible] Dawson, Edgar Dawson, James R. Dawson, Vinnie [illegible] [illegible] Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie [illegible], [illegible] Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert D. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse B. Graham, Gracie M. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmor, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Kittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura

Fluornoy, Oscar Fluornoy, Claude Fluornoy, Edna Fluornoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Della Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Leverna A. Fishback, William A. Fishback, Annie E. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John H. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

You have heretofore been furnished with a copy of the record of proceedings had in this case.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished both yourself and the principal applicant, by the attorney for the Nation.

The decision, together with the record of proceedings had in this case will be transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

You are requested to forward to the Commission two copies of your printed brief in this case, in order that the same may be included in the record to be forwarded to the Secretary of the Interior

Respectfully,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. M-45.

Register.

D406

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 26, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Francis M. Dawson et al., applicants for enrollment as citizens of the Cherokee Nation, including the Commission's decision, dated December 23, 1903, granting said application as to Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson Jr., Samuel R. Dawson, August Dawson, Nate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Samuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E.Bogle, Edna B. Bogle, John H. Bogle, Marvin E.Bogle,

Claud Boyle, Nancy Edith Boyle, Joseph E. Dawson, Clarence E. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil J. Dawson, Mollie Moore, Dora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Laverna A. Painter, Mary E. Graham, Jesse F. Graham, Gracie M. Graham, Florence M. Graham, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Milburn M. Woolley,

Kittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Pulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Fogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Parmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson , Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson, and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

Enc. M-135.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, together with the Commission's decision in said case, and the protest of the Cherokee Nation against said decision, dated February 6, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

A. S. McKennon,

Attorney for Francis M. Dawson, et al.,

Wewoka, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

COPY

Cherokee D-406.

Muskogee, Indian Territory, February 26, 1903.

Texanna Woolley,

Dawson, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting, among others, your application for the enrollment of yourself and your two minor children, Irene W. and Wilburn B. Woolley, as citizens by blood of the Cherokee Nation. There has heretofore been furnished your attorney, A. S. McKennon, Wewoka, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished both your attorney and the principal applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. H-52.
Register.

Acting Chairman.

Refer in reply to the following:
Land 13855-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, October 16, 1903.

COPY

CHEROKEE ENROLLMENT

FRANCIS M. DAWSON, ET AL., GROUP xll.

The Honorable

The Secretary of the Interior.

Sir:

Referring to office report of even date, transmitting the record relative to the applicants parties to Group 1. of the consolidated case of Francis M. Dawson et al., applicants for enrollment as Cherokees, there is enclosed herewith the record relative to the parties applicants to Group Xll. ---

D 405, Group Xll, page 1.

Millie T. Dawson applies for enrollment as an intermarried citizen.

D 406, Group Xll, page 4.

Texanna Woolley applies for the enrollment of herself and her minor children, Irene and William E. Woolley as citizens by blood. William E. Woolley was born subsequent to the date of his mother's application. He is identified by a birth affidavit.

D 715, Group Xll, page 9.

Henry T. Richardson applies for enrollment as an intermarried citizen, and for the enrollment of his wife, Kitty, and their

minor children, Delilah F., and Finis T. Richardson, and for his minor step-children, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flournoy as citizens by blood. He also applies for the enrollment of his minor child, Jasper C. Richardson, who was born subsequent to the date of his application. This child is identified by a birth affidavit. Florence Flournoy is embraced in the application of Elbert L. Morgan, (D 737, Group XIII.), and will not be considered in connection with this group.

R 12, Group XII. page 20

Etta Brauer applies for the enrollment of herself as an intermarried citizen.

R 13, Group XII page 24

Melissa A. Dawson applies for enrollment as an intermarried citizen.

The Commission, in its decision of December 23, 1902, held that all the parties to this group were entitled to enrollment as citizens, -- Willie T. Dawson, Henry T. Richardson and Melissa A. Dawson as citizens by intermarriage, and the others as citizens by blood.

Willie T. Dawson, (Group XII page 1), the record shows was married to W. A. Dawson, October 1892, and W. A. Dawson was admitted to citizenship in the Cherokee Nation by the Spears Commission or Court, September 9, 1884. She died October 1899. Her name does not appear on the 1896 roll.

Texanna Woolley (Group XII page 4), is a daughter of W. A.

Dawson, by his former wife. W. A. Dawson was admitted September 9, 1884, and he died October, 1899. Texanna Woolley was married to James Woolley November 27, 1898. She was a minor when her father was admitted to citizenship. Her name appears on the 1894 pay-roll.

Henry T. Richardson, (Group XII, page 9), July 11, 1886, was married to Mrs. Sollar, or Stella, or Sella Dawson, in accordance with the Cherokee laws. She was a daughter of W. A. Dawson, who was admitted September 9, 1884. She was a minor at the time her father was admitted. Her father died October 1899. She died about 1892. In September, 1898, Henry T. Richardson married his present wife, Kitty Richardson, formerly Flournoy. His present wife's maiden name was Dawson. Kitty Richardson, Formerly Flournoy nee Dawson, was admitted to citizenship in the Cherokee Nation by act of the National Council, December 1, 1894. Delilah Richardson is the child of the principal applicant by his first wife, Sollar Richardson. Minis T. and Jasper C. Richardson are children by his wife, Kitty Richardson. Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy are children of Kitty Richardson by her former husband. Delilah F. Richardson is identified by the 1896 census roll. All of the Flournoy children except Edna, appear to be identified by the 1894 strip payment roll. Sollar Dawson, first wife of the principal applicant, was a daughter of W. A. Dawson, who was admitted to citizenship September 9, 1884. She was a minor when her father was admitted.

Etta Fraser, (Group VII. page 20), is a daughter of W. A.

Dawson, who was admitted to citizenship September 9, 1884. She was a minor when her father was admitted. She is identified by the Cherokee census roll of 1896. She has resided in the Cherokee Nation since 1884, except that she has temporarily been absent from the Nation at different times.

Melissa A. Dawson, (Group 411, page 24), was formerly the wife of W. A. Dawson, who was admitted to citizenship in the Cherokee Nation September 9, 1884. She is identified by the 1896 census roll. She has resided in the Cherokee Nation since 1884, except that she has been temporarily absent therefrom several times for the purpose of securing employment. W. A. Dawson died in October 1899. This applicant and her husband had, however, been divorced. The decree was rendered September 3, 1890. The applicant has not remarried since the divorce was granted, and the Supreme Court of the Cherokee Nation in the case of Melissa A. Dawson vs. W. A. Dawson, held that Melissa A. Dawson, this applicant, was a citizen of the Cherokee Nation by virtue of her marriage with W. A. Dawson.

In connection herewith attention is respectfully invited to office report of even date, transmitting group 1 of this consolidated case, and for the reasons therein stated the office recommends the approval of the Commission's decision, except in so far as it relates to the enrollment of Willie T. Dawson, Henry T. Richardson and Melissa A. Dawson, who apply for enrollment as intermarried citizens.

Very respectfully,

T. A. Jones.

Commissioner.

G.A.W. -L.C.

D. C. 10510-1904. J.W.H.
J.P.
ITD 7442-1903. FHE
7458-1903. Department of the Interior,
LRS Washington. March 31, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 25, 1905, you transmitted the record in the matter of the application of Francis A. Dawson et al., for enrollment as citizens of the Cherokee Nation. In your decision of December 23, 1903, you disposed of the applications in the Dawson case by groups. In this letter Group xii, as disposed of by you, will be considered.

This group includes the application of Millie T. Dawson (D. 406), for the enrollment of herself as a citizen by intermarriage of Texanna Wooley (D.406), for the enrollment of herself and her minor children, Irene and Wilburn E. Woolley, as citizens by blood; of Henry T. Richardson (D 715), for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Kitty, and his minor children, Delilah F., Finis T., and Jasper C. Richardson, and his minor step-children, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flournoy, as citizens by blood; of Etta Brauer (R 12) for enrollment as a citizen by blood; and of Melissa A. Dawson (R 13), for enrollment as a citizen by intermarriage of the Cherokee Nation.

In said decision you disposed of all these applications except that of Florence Flournoy, who is included in application D 737, Group xiii, as Florence Morgan. You held that all of the applicants referred to above are entitled to enrollment as citizens of the Cherokee Nation.

Reporting in the matter October 16, 1903, the Commissioner of Indian Affairs recommended that yout decision be approved, except as to those applicants claiming enrollment by intermarriage. As to those applicants claiming by intermarriage, no action will be taken at the present time.

The record has been examined in detail respecting the applicants claiming by blood, to determine the origin of their rights, whether by birth or admission. An examination has also been made in respect to their residence in the Cherokee Nation, and their identification as citizens thereof, whether by enrollment or by birth affidavit. This investigation persuades the Department that your decision is correct as to those applicants claiming by blood. You are accordingly directed to enroll them as citizens of the Cherokee Nation.

The question of fraud in its relation to the Dawson case was disposed of by the Assistant Attorney General, in an opinion of February 18, 1904, copy of which was sent you February 24, ,1904.

A copy of the Commissioner's letter of October 16, 1903, relating to this group, is inclosed.

1 inclosure.

Respectfully,
Thos Ryan, Acting Secretary.

Cherokee D-406.

Muskogee, Indian Territory, April 12, 1904.

Texanna Woolley,

Dawson, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated December 23, 1904, granting, among others, your application for the enrollment of yourself and two minor children, Irene W. and Wilburn E. Woolley, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 31, 1904.

Respectfully,

Commissioner in Charge.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

A. S. McKennon,

Attorney for Francis L. Dawson, et al.,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis L. Dawson, et al., granting the applications for the enrollment of Francis L., Lula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Francis M. Dawson, Jr., Lizzie, Arthur, Edna E., Edward S., and George J. F. Atkins, John W., Albert L., Ralph H., Alford, Samuel R., August, Nate and Robert Dawson, Katie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, John, Robert E., Iola L., Lemuel H., Rosa E., Charles F., Hattie J., Jennings E., James J., Vergal C., Thomas P., Mariee J., Orle M., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Harmon, Toshie A. Jackson, Fannie, Birtie R. and Myrtle Lenox, Missouri, Tempa V., Robert S., Gideon, John W., Julius E., Francis M., Lary L., Jesse L., Gracie ... and Florence ... Graham, Laverna A., Ada E., Eva F., John W., Ray D., Roberta A., and

Roy T. Painter, Florence L., Myrtle and Claude Bradshaw, Jay E., [illegible] C., Fonda E., Dane L. and Robert [illegible] Graham, Joe Willie Neal, James L., Marion, [illegible], Esther and Floyd Graham, Pollie, Nora, Walter, Clara, Ora, James T., and [illegible] Edith Moore, Richard T. and Ina E. Dawson, Ella L., Hellen J. and William Glenn Richerson, Elbert L., Ralph E., Robert L., and [illegible] Dawson, Rena, Sarah A., Martha A., Claud L., Roger P., [illegible] and Virgil T. Patterson, Joseph R., Clarence E., Council C., Elmer A., Cleo, Ruth T., Edgar, Wilborn, James R., Minnie L., Erwine C., Melvin C. and Ancil T. Dawson, Etta Brauer, Nicky, Delia L., Willis T. and Jasper Cecil Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Rena Journey, Tenanna, Irene T. and William E. Woolley, Laverna A., William A. and Annie R. Fishback, Lula F., Curtis, Morris C. and [illegible] Weddle, Florence, Clide and Alice A. Morgan, John E. Fishback, Ina, Roby and Charley Mary and William D. Douthitt, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Liddie and Margaret Graham as citizens by blood of the Cherokee Nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 31, 1904, and that the Commission's decision rejecting the applications for the enrollment of James, Ray, Zelma, Roberta, and Rose Lowe, Osie, Lizzie, Jessie, Mary, and Clyde Jackson as citizens

by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

(SIGNED).

Commissioner in Charge.

COPY.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1909.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1908, in the consolidated case of Francis [illegible]. Dawson, et al., granting the applications for the enrollment of Francis [illegible]., Lula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William T. and Francis A. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. P. Atkins, John W., Albert L., Ralph M., Alford, Samuel R., August, Lafe and Robert Dawson, Mattie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Bulansky, John, Robert L., Iola [illegible]., Lemuel W., Rosa B., Charles [illegible]., Mattie J., Jennings E., James C., Versal C., Thomas P., Mariee J., Orlo M., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William C. Harmon, Toshie A. Jackson, Fannie, Birtie E. and Myrtle Lenox, Missouri, Tempa V., Robert S., Gideon, John W., Julius E., Francis W., Mary E., Jesse E., Gracie L. and Florence M. Graham, Laverna A., Ada R., Eva P., John W., Roy D., Roberta A., and

Roy V. Painter, Florence P., Myrtle and Claude Bracshaw, Joe E., William C., John F., Edna M. and Robert Lee Graham, Joe Willie Neal, James I., Marion, Maggie, Luther and Floyd Graham, Lollie, Nora, Walter, Clara, Ora, James W., and Edna Edith Moore, Richard W. and Ina B. Dawson, Ella L., Hellen J. and William Glenn Spickerman, Wilbert E., Ralph E., Robert L., and William C. Dawson, Zona, Sarah A., Martha A., Claud A., Edgar D., Thomas L. and Virgil V. Patterson, Joseph R., Clarence E., Council J., Elmer A., Cleo, Rufus T., Edgar, Wilborn, James R., Vinnie D., Ermine C., Edwin C. and Ancil F. Dawson, Etta Brauer, Kitty, Delia F., Finis T. and Jasper Cecil Richardson, Te ar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy, Texanna, Irene W. and Wilburn E. Woolley, Laverna A., William A. and Annie L. Fishback, Lula F., Curtis, Morris O. and Roy Weddle, Florence, Clide and Alice A. Morgan, John E. Fishback, Edna, Roby and Charley Haley and William D. Douthitt, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Liddie and Margaret Graham as citizens by blood of the Cherokee Nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 31, 1904, and that the Commission's decision rejecting the applications for the enrollment of James, May, Zelma, Roberta, and Rosa Lowe, Osie, Lizzie, Jessie, Ray, and Clyde Jackson as citizens

by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

(SGD) E. B. Meritt.

Commissioner in Charge.

Cher 10762
Etta Brauer

Trans. from R12

Cher 10762

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE
FILED
JUL 18 1900

Department of the Interior,
Commission to the Five Civilized Tribes,
Fairland, I.T., July 19, 1900.

In the matter of the application of Etta Brauer for enrollment as a Cherokee by blood; being duly sworn, and examined by Commissioner Breckenridge, she testified as follows:

Q What is your name? A Etta Brauer.
Q What is your age? A 25.
Q What is your post office address? A Afton, just at present.
Q Is that were you live? A That is where my home is at this time, my furniture.
Q In what district is that? A Delaware.
Q How long have you lived there? A We moved to Afton in the spring of 1895.
Q Where did you life before that? A We moved to the Indian Territory in 1884, the fall of 1884, and we lived there part of the time and part of the time in Kansas.
Q How long have you lived in the Territory? A We moved here in 1895 the last time.
Q What is the nature of your claim for enrollment? A By blood.
Q Through your father or mother? A WA. Dawson.
Q Do you claim also through your mother? A No, sir.
Q Tell me please about your residence in the Teritory, when you came here and how long you have been here? A We first came here in the fall of 1884, I can't remember just how long we lived here then, three years then, and then we spent a part of every year in Kansas and part in the Territory after that until 1895, when we moved down.
Q Where were you making your home during that time? A Argentine, Kansas.
Q Not in the Territory? A Well, our home was both places.
Q Well, you had to consider one as your political home? A Well the Territory was our home.
Q Does your husband live in Kansas? A Yes, sir.
Q So that Kansas was his home? A Well, I was married there.
Q You know there is a clause in the law requiring a certain residence in the Territory, I want to get at the facts about your residence, and I want you to state them just as they are? ~~xxxWhxxxxxxx~~ When were you married? A In 1892.
Q Please state where you lived and what your movements were after 1895? A We were in Kansas, and came back to th Territory in the spring of 1895.
Q Has your husband been making his home in Kansas from 1892 to 1895? A Yes, sir, he has never left there at all.
Q He doesn't claim at all? A No, sir.
Q For whom are you applying? A For myself alone.
Q Are you upon any of the tribal rolls? A Yes, sir.
Q Are you upon the roll of 1880? A No, sir.
Q Is your father upon the roll of 1880? A No, sir.
Q Have you any paper there you want to submit? A There is the paper when he was admitted.

By Mr. W. T. Hutchings, attorney for Cherokee Nation: What was your name before you married? A Etta Dawson, it is Amanda Etta on some of the rolls, and just Etta on some; I was a minor when my father was admitted.

Commissioner Breckenridge: Your father was admitted by action of the tribal authorities since 1880? A Yes, sir.
Q His name isn't on the 1880 roll? A No, sir.
Q Nor your mother's? A No, sir, 1883 I believe is the date he was admitted.

Mr. Hutchings: What relation are you to Ella Dawson? A She is my aunt, they are my father's sisters.
Q You were born in what year? A 1874.
Q Your name is not in this paper? A No, sir, I was a minor then, but I am on the roll.

Mr. Hutchings: The Commission has decided that minors don't come in unless their name is mentioned in the decree admitting them to citizenship.

A You will have to put the Cherokee Nation out if that is the case, because none of them were mentioned then. I have been on all the rolls of the Cherokee Nation and have drawn money, and have been considered a citizen by the Cherokee Nation.

Q Has your husband lived here? A No, he never lived here, but I have lived here without him for three years, while he was working and sending me money to live on.

Commissioner Breckenridge: The paper filed relates to the proceedings on the part of Malissa E. Dawson.

A That is my mother.

Q Then here is another paper, attached, the first part in the proceedings in the case of James Dawson, is that your father? A No, sir, my grandfather.

Q Who is Ella Dawson? A That is my father's sister.

Q Who is W. A. Dawson? A That is my father.

Q Malvina Dawson? A That is my father's sister, my aunt.

Q Missouria Dawson? A She is my aunt. As we have been rejected and Mr. Brauer has worked in Kansas and we have put what we have in this Territory and now I am going to be put out, and we are going to lose it, I have lived here to hold it, I think after this then we have lost seven or eight or ten years of money.

Q This Commission has to decide according to law and what it considers the requirements of the law, entirely independent of anything else.

A I was taken out from here a minor to go to school, I didn't leave here of my own accord at all.

Q We will develop your case fully and in regular order so that all the facts will be considered not only by this Commission, but by those who have the power to review the action of the Commission. When did you say you were married? A In the fall of 1892.

Q Where did your husband live? A In Kansas.

Q Does he still live in Kansas? A No, he is living in Missouri and Kansas, he runs on the road, part of the time in Missouri and part of the time in Kansas.

Q He votes in Kansas? A No, he don't vote in Kansas now, he could vote, but he never has voted because he didn't want to.

Q I want to find out about your husband's home; will you please tell me abo t that? A My husband was boarding when I met him, and he has been boarding nearly ever since, and I don't know where to consider his home.

Q Has he ever made his home in the Indian Territory? A No, sir, he don't claim any right there at all, he has been working, sending me money to help me.

Q And you have been making your claim here since when? A Since the spring of 1895, until last year, I have been visiting him, boarding in Missouri part of the time and Kansas part of the time.

Q You considered that simply a visit and not a change of your own home: that is the view you took of it?m A Yes, sir.

Q You stated that your husband has been sending you money here to support you? A Yes, sir.

Q And also to expend upon property that you have here? A Yes, sir.

Q Where is that property? A I have a house and lot in Afton and a farm by Dawson, I.T.

Q Have you kept house in the Territory? A Yes, sir, my home and furniture.

Q Kept your own house? A Yes, sir.

Q This paper that you hand me seems to be a duly authenticated copy of the records of the Committee on Citizenship of the Cherokee Nation, dated September 14, 1883, admitting to citizenship your father, W. A. Dawson. It enumerates certain names, and your name is not one of those enumerated. There is no mention made in the document of any

persons except those previously stated in the first allusion to this document. This document has been submitted to the representatives of the Cherokee Nation, who make no objection to the regularity or official character of the document as regards what it purports to be, namely, a copy of a certified copy of the judgment in the case, supposed to have been furnished to the applicant's father, W. A. Dawson. This copy is duly signed by J. S. Truitt, Notary Public, appointed by the United States Court for the Indian Territory, Northern District, and whose Commission is stated to expire January 14, 1901. Upon what rolls of the Cherokee Nation does your name appear? Does it appear upon the official roll of 1896? A Yes, sir.

(On 1896 roll, page 444, No. 458, Delaware district.)

Q Is your name on the 1894 roll? A I suppose it is, I got my strip money. I don't know whether it is on there as Dawson or Brauer.

(The name of the applicant is not found on the 1894 roll.)

Q Under what law were you married? A Under Kansas law; United States law.

Q Have you your marriage license and certificate which you desire to present in evidence? A I haven't got it with me, I can send and get it if necessary.

Q Mrs. Brauer, you were married in 1892, and you then went with your husband, I believe you stated, and you and he boarded in Kansas?

A We were married there and kept house there until 1895, when we moved to Afton.

Q You moved to Afton? A Yes, sir, I brought my baby, and all the furniture, and we bought and built on a lot in Afton.

Q Is your baby living? A No, sir.

Q What time in 1895 did you come? A May, 1895.

Q And you have claimed your home in Afton ever since? A Yes, sir.

Q And your husband in the mean while has claimed his home outside of the Territory? A Well, he has been boarding.

Q Has he been in the Territory at all? A Yes, he come down and visited me two or three times.

Q The status seems to be this; that since 1895 you have lived here, in your opinion, consistently in the Territory, but that your husband, while he has contributed to your support and you and he have exchanged visits, yet has made his permanent domicile elsewhere, as he has always done? A Yes, sir; he isn't applying for a right at all.

Q I am simply getting at his status and your status. Mrs. Brauer, it appears to be the settled practice of this Commission, its construction of the law as applied in numerous instances and consistently applied, that where an applicant derives a claim for enrollment from an act of adoption by the tribal authorities, and who was living at the time that the decree of adoption was rendered, and is not mentioned in that decree, that then that applicant under the law is not entitled to enrollment, unless upon the roll of 1880; being upon subsequent rolls gives this Commission jurisdiction, as we understand the law, but does not necessarily give the claimant a right to be enrolled. Upon the contrary, the Commission is charged to scrutinize the other rolls and examine into the accompanying circumstances. So that not taking into the consideration the question of residences, which might have some weight, yet from the fact that you were living at the time your father was decreed by the properly constituted authorities as a citizen of the Cherokee Nation, and your name not being mentioned in the decree, the Commission feels constrained from its uniform construction of the law to deny you enrollment at this time.

But I wish to say to you that if there are any documents, affidavits, or representations of any character that you wish to file with the Commission in connection with your case, that they will be received, and the whole matter will be transmitted with the report of the Commission to the Secretary of the Interior, whose approval is necessary under the law to give validity to the present conclusion.

[illegible].

[illegible] is all I have to say at this time.

Bruce C. Jones, being duly sworn, says that as stenographer [illegible] Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the [illegible] day of July, 1900.

[illegible]
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 12 1900

Statement of Applicant Taking Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date JUL 12 1900 1900.

Name Ettar Brauer — Alton, O. T.

District Dillingham Year 1896 Page 444 No. 438.

Citizen by blood yes Mother's citizenship CHEROKEE

Intermarried citizen

Married under what law of Kansas Date of marriage 1892 (Fall)

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

ENROLLMENT REFUSED.

ENROLLMENT REFUSED.

ENROLLMENT REFUSED.

ENROLLMENT REFUSED.

Roll 1 12

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 9 1906

Records #11 and 12.
Supplementary.

Department of the Interior
Commission to the Five Civilized Tribes,
Vinita, I.T., October 4, 1900.

In the matter
of
JAMES S. TRUITT, being sworn, testified:

Q What is your name? A James S. Truitt.
Q How old are you? A 32.
Q What is your postoffice? A Afton.
Q How long have you lived in the Cherokee nation? A 19 years.
Q Now you want to give evidence in the application of Malissa A. Dawson and also Etta Bremer, Malissa Dawson's number is R.13, and Etta Bremer's is R. 12. Now you want to testify in regard to the residence of Malissa Dawson? A Yes.
Q What have you to say about here residence— is she living in the Cherokee nation now? A Yes. I have to say concerning her residence that I first became acquainted with them when they came to the territory in '84. Shortly after they came here they were neighbors of mine.
Q Have Malissa Dawson and Etta Bremer both lived in the Cherokee Nation since '84? A With the exception of going backwards and forwards out in the states and back into the territory— the majority of the time they have been in the Cherokee Nation.
Q Have they owned property in the Cherokee nation all this time? A They have.
Q What was the occasion of their going out of the Cherokee nation? A The occasion, so far as I know, was that Malissa was a widow woman and was on a little farm down south of Afton and she had some folks that lived up in the states and she visited with them very often.
Q Etta Bremer is her daughter? A Yes.
Q She would go with her mother on these visits? A Yes.

By W. W. Hastings, Cherokee Attorney:
Q Etta Bremer married to a Kansas man in '95? A To the best of my knowledge he is.
Q He has never lived in the Territory? A No, not for any considerable length of time; he is a railroad man.
Q Do you know whether he has a home in Kansas? A I understand he has not; I don't know. He works in Missouri and Kansas and various places, and from the best information I have he boards.
Q About how much of the year does she go up there and board with him? A I could not say, some of the time she is up there and some of the time is at Afton.
Q She, herself, has never had any place in the Cherokee nation? A Yes, she has and has at present. She has her house-hold goods at Afton and a farm in the Cherokee nation— also a house at Afton.
Q But her husband has never lived at Afton with her since they were married? A Not any length of time. I saw him there several times. He built a house— had it built.
Q His home is in Kansas? A I suppose so. He is a railroad man in Kansas and Missouri is where he works
Q What kind of work does he do on the railroad? A Bridge foreman.
Q Constructing bridges? A Yes, and repairing.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 5th day of October, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

[illegible]

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of [redacted] for enrollment as [redacted] of the Cherokee Nation.

[illegible]

No. [illegible]

AFFIDAVIT

C. R 12

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190...

Given under my hand this..... day of..... A. D. 190...

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the .....day of ....., 190..

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the day of ..... A. D. 190

.....

Subscribed and sworn to before me this

Notary Public.

E R 12

FILED
MAR 1[illegible] 1902

NOTICE!

To ////// WHITE CAP the application of Ella Brewer

for enrollment as Cherokee citizen.

Case No. 1,717

In re Ella Brewer

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of

Indian Territory on March, 17, 1902. to from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible], 1902.

W. W. [illegible]

Attorneys for the Cherokee Nation.

To be Filed with U. S. Ex. Agt. Charles H. Pierce.

Enrollment by the Commission,
DOMICILED IN THE FIVE CIVILIZED TRIBES,
Muskogee, I. T., September 17th, 1900.

In the matter of the application of Francis Marion Dawson, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, C. R. Breckinridge, testified as follows:

Q That is your full name? A Francis Marion Dawson.
Q What is your [redacted] years old.
Q What is your [redacted]
Q What [redacted]
Q The [redacted] A Myself and family.
Q Your wife? A [redacted]
Q How many children?
Q Do you apply to [redacted] as a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A No, sir, she is a white woman.
Q How long have you lived in the Cherokee Nation? A Since 1883.
Q Were you admitted by the Cherokee Commission? A Yes, sir.

The applicant produces a duly authenticated certificate of admission to citizenship, bearing date of the 11th day of January, 1893, certain persons were admitted by the Commission on citizenship, and among them appears the name of F. M. Dawson.

Q That is your name in [redacted] sir.

This is recognized as satisfactory evidence of the facts stated.

Q Have you lived in the Cherokee Nation ever since your admission?
A Yes, sir, in Delaware District ever since.
Q Give me the name of your wife? A Katie Dawson.
Q How old is she now? A Forty five.
Q Was she admitted with you? A No, sir.
Q Have you married her according to Cherokee law since your admission? A Yes, sir.
Q You have not remarried since your admission? A No, sir: it was not necessary.

The applicant presents a duly authenticated marriage license and certificate, showing that he was married to his wife, as stated by him, in 1880, by the Reverend R. W. Goodlock, in Carrol County, Arkansas, the license being issued by the Clerk of that County.

These papers are filed herewith.

Q Your wife was not admitted by the Cherokee Commission, when you were? A No, sir.
Q Or at any other time? A No, sir.
Q By act of the Commission or Council? A No, sir: she was placed on the rolls.
Q On the common rolls? A Yes, sir.
Q Give me the names of your children, please? A Lula.
Q How old? A Seventeen.
Q Next child? A [redacted].
Q How old? A Fifteen.
Q Next child? A Jessie Jane.
Q How old? A Twelve.
Q Next child? A Jacob Levy.
How old? A Ten.
Q Next child? A Mark A.
Q How old? A He is eight I believe.

Q Were child? A Known.
Q How old is that child? A She is four years old.
A Is that all? A Yes, sir; six of them. I have others, but they are not at home.
Q Are they married? A No, sir.
Q Are they over age? A Yes, sir.

(1896 Roll, Page 401, 1906, Francis Marion Dawson, Delaware.)
(1896 Roll, Page 400, Dist., Katie Dawson, Delaware District.)
(1896 Roll, Page 401, 1906, Lula Dawson, " "
(1896 Roll, Page 401, 1906, Ray Dawson, " "
(1896 Roll, Page 401, 1906, Minnie James Dawson, Delaware Dis't.)
(1896 Roll, Page 401, 1906, Joseph Levy Dawson, " "
(1896 Roll, Page 401, 1906, Ruth A. Dewsnore Dawson, " "
(1896 Roll, Page 401, 1906, Laura Albertie Dawson, " ")

Q Is this Delaware or Lully? A Lully.

The applicant applies for the enrollment of himself, wife and six children;

Q Were these children all born since you were admitted into the Cherokee Nation? A Yes, sir.

The applicant is shown by the certificate of admission, cited in the testimony, to have been admitted to Cherokee citizenship by the Commission on Citizenship, January 11th, 1883; he is identified on the roll of 1896, but the representative of the Cherokee Nation desires to make inquiry into the methods of that time, and for that reason, the application of the applicant will at present be placed on a "Doubtful Card." He has lived in the Cherokee Nation ever since his admission to citizenship. His wife was married to him under United States law, and was married prior to his admission: she has never been remarried according to Cherokee law: She has lived with him ever since his admission to citizenship, and she is identified on the roll of 1896. The application for her enrollment will be placed on a "Doubtful Card".

Their six children, as enumerated in the testimony are identified on the roll of 1896: They are living at this time, all having been born since his admission (applicant's) . These children will be placed with him on a "Doubtful Card". The applicant's marriage to the mother of these children is established by the marriage license and certificate filed herewith. If any additional papers, adverse are developed in this case, he will be given timely notice thereof.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Cravens.

Subscribed and sworn to before me this 10th day of September, 1900.

(Signed) C. R. Breckinridge,

Commissioner.

BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment of T. F. Dawson and minors as Cherokee citizens.

Depositions of witness persons in behalf of the applicants for enrollment as Cherokees by blood, taken before me, Lewis E. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly commissioned, qualified and acting as such, at the office of C. B. Denison in the Frame Brick building in the town of Muskogee, Indian Territory, on Thursday the fourth day of October, 1900, between the hours of ten and a half o'clock and six o'clock P. M. thereof on said day, in accordance with the agreement hereinafter, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

T. F. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY C. B. DENISON:

Q State your name, age, residence and occupation?
A T. F. Thompson, 53 years old, I live near Vinita, Cherokee Nation, I. T. I am a farmer.
Q How long have resided in the Cherokee Nation? A All my life.
Q Are you a citizen of the Cherokee Nation as now constituted?
A Yes, sir.
Q Upon what is that citizenship based, blood or otherwise?
A Blood.
Q What, if any official position have you held in the Cherokee Nation, and at what time?
A I was elected to the Cherokee Council in 1870 some odd, I don't remember the exact year, I was also on the Commission Court.
Q Do you remember when that was? A Some time in 1880 or 1881, I think, it may have been earlier.
Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.
Q State, if you remember, how many members of that Commission or Court, there were, and who they were besides yourself?
A There were three, Tehee, Wolf and myself, Tehee was President of the Court.
Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.
Q Did you have a Clerk? A Yes, sir.
Q Do you remember who that was? A D. W. C. Duncan.
Q Do you know whether the members of that Commission beside yourself, are living or dead? A Yes, sir, they are both dead.
Q Can you recollect now what period of time that Commission lasted?
A About two years I think, two sessions, and there was one session each year.
Q Were the sessions of that body held in Tahlequah, open to the public at all times when it was in session?
A Yes, sir.
Q Were the cases coming before that body heard in open session?
A Yes.
Q Witnesses examined orally? A Yes, sir.

Q Judgments of the Court or Commission pronounced in open session?
A In case of decisions I think they sometimes had secret sessions, yes, the judgments of the Commission were pronounced openly.
Q What you intended to convey by you answer to the former question was that after hearing the proof the Commission or Court deliberated in secret session upon the testimony taken before reaching a decision or announcing it? A After hearing all the testimony we went into secret session.
Q I will present you with a paper which the Notary will mark exhibit "A" and a copy of which he will attach to your deposition, and will ask you if with the exception of the certificate of record by M. L. Bragdon, Clerk, and John L. Adair Asst. Ex. Secretary, you recognise it as a paper you have ever seen before?
A I recognise the signature to it, but don't remember the instrument.
Q Which signature on that paper do you recognise? A My own.
Q That signature is in your own handwriting? A Yes, sir.
Q Do you know whether Thomas Tehee, president of the Commission could write in English or not? A No, I don't think he could.
Q How as to Alexander Wolfe, a member of the Commission?
A I don't think he could write either, I don't think either of them ever wrote except by touching the pen.
Q Were you, nd are you familiar with the handwriting of D. W. C. Duncan, the Clerk of that Commission?
A Tolerably well, but it has been a long time since I saw any of it.
Q Will you look at the paper again and say whether you recognize his signature attached thereto?
A Yes, that is his signature to the best of my knowledge.
Q Do you preserve any personal recollection of the application before that Corrission of F. M. Dawson and other members of the Dawson family, to be admitted as citizens of he Cherokee Nation by the Commission?
A I remember F. M. Dawson and his brother, that is about the only ones I remember.
Q The question was not as to the personal recollection of the individuals, but as to the claim being presented by the Dawsons for admission?
A Yes, there was such a claim before the Commission.
Q Can you state as to the citizenship of Thomas Tehee, whether he was a citizen of the Nation by blood or not?
A Yes, sir, he was always recognised as such, full blood besides.
Q What is your knowledge of Alexander Wolfe?
A About the same, he was also a full blood and recognised as a Cherokee.
Q Judge Thompson, if you possessed or had, or have now any knowledge of any corruption or bribery of the court or Commission, or any member of it by F. M. Dawson or any of the Dawson family or anybody connected with the presentation of their claim for citizenship, state it fully?
A None whatever as far as I was concerned, and I don't think there was by the balance of the Court.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q Do you mean to say Mr. Thompson that your name attached to the certificate shown you is in your handwriting?
A Yes, sir.
Q When Mr. Duncan certified that this is a transcript of the decision in the case, he is mistaken, that is the original?
A No, I don't know, that may be the original, if that is not the original I did not sign it, if it is the original I signed it.
Q You state that the witnesses were examined orally before the Court, don't you know that in almost every case you took ex parte

affidavits of witnesses when these witnesses were not present?
A I think we ruled ex parte evidence out, as well as I remember.
Q Did you have any stenographer or anybody to copy the evidence?
Mr. Duncan did all of the copying.
Q Was the evidence copied and preserved?
A Yes, sir, I think it was.
Q What was done with that evidence, where was any of it ever put?
A I suppose it is at Tahlequah in the office of the Treasurer or Secretary.
Q When you went into secret session did you have Mr. Duncan read that evidence to you?
A Yes, sir, we went over the evidence thoroughly.
Q Did you allow the applicants or their attorneys admission to any of your secret sessions?
No, sir.
Q When you got ready to render your decisions did you then send for the applicants or their attorneys?
A No, sir.
Q And you rendered them in secret also, did you? A Yes, sir.
Q Have you any recollection who testified in the Dawson case, as to their claim? A No, sir, I have not.
Q Have you any recollection as to who they claimed their Cherokee ancestors were? A Yes, sir, they claimed the Rogers.
Q Did they claim relationship with any of the present families of Rogers residing in the Cherokee Nation?

The applicant objects to this question as tending to elicit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.

A I don't know that they did, particularly.
Q How would your court determine when they claimed descent through some Rogers family, that that family was of Cherokee blood?

The applicant objects to the question upon the same grounds as their objection to the previous question.

A By the evidence they produced.
Q Didn't you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were citizens thereof? A Yes.
Q Who was the attorney for the Dawsons? A Old man Houston Benge.
Q Could either Tehee or Wolfe speak English? A They could understand, but they never spoke English, they had an interpretor.
Q Did you ever talk to either of them as to whether they got anything for decidingthis case? A No, sir.
Q How long were you considering the case altogether?
A I could not say as to that, I think we were on it two or three weeks anyhow, I could not say positively now, they were a long time getting in testimony.
Q There were only two or three witnesses examined all told, were there not?
A I think so, three I think, they had quite a lot of affidavits, but we did not consider them.
Q Well the Court was a good while arriving at its conclusion after the evidence was closed?
A Yes, quite a good while, I don't remember the exact time.

RE-DIRECT EXAMINATION:

Do you remember who the interpreter the Commission had during the hearing of the Dawson case.
A His name was Reese, I forgot his given name.

Q Do you know whether he is living or dead?
A I don't know, he seemed to be in bad health at the time we had the case up, I think they are all dead but me and Mr. Duncan.
Q What was he, a Cherokee by blood?
A He was considered a Cherokee by blood.
Q Do you know where he lived at that time?
A No, sir, he lived in the south part of the Nation though, I think in Sequoyah.

(Signed) T. F. Thompson.

Copy of Ex. "A" to T. F. Thompson's testimony.

CERTIFICATE OF RECORD.

United States of America,
Indian Territory,
Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, her by certify that the instrument hereto attached was filed for record in my office the 9 day of March, A. D. 1893, at 10-30 o'clock A. M. and duly recorded in book C. Micl Record Mortg. & Liens, page 339,

Witness my hand and seal of said court at Muscogee, in said Territory this 16 day of March, A. D. 1893.

(SEAL) M. L. Bragdon,

Clerk.

Transcript to which this is attached, endorsed on back as follows:

"No. 108, Robt. Dawson et al, VS the Cherokee Nation, Transcript of Judgment, Filed Mar. 9, 1893 10-30 A. M. Marshall L. Bragdon, Clerk.,

OFFICE OF COMMISSION ON CITIZENSHIP,
TAHLEQUAH, CHEROKEE NATION, JANUARY 11th, 1883.

No. 108 Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, Rial Dawson,
VS,
The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1883, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship, that the claimants, Rob't Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, and Rial Dawson, are Cherokees by blood; and that they are entitled to all the rights and priviliges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they should be, and they are hereby

admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. W. C. Duncan, Clerk of Commission. } Thomas Fenes, President of Com. Alex Wolf, T. F. Thompson, } Commissioners.

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears of the record in my office.

D. W. C. Duncan,
January 11th, 1883. Clerk of Commission.

Executive Department,
Tahlequah, Cherokee Nation,
January 11th, 1883,

I hereby certify that the within named Commission on Citizenship, composed of Thomas Fenes, President, Alex Wolf and T. F. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and Commissioned Commission on Citizenship, and that their actions as such are legal and binding.

Witness my hand the

Witness my hand and the seal of the Cherokee Nation, on the date above written.

John L. Adair,
Asst. Ex. Secretary.

United States of America,
Indian Territory,
Northern District,

I, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. F. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. F. Thompson, L. T. M. - N. P. Oct. 4, 1900. The foregoing copy having been carefully compared by me with the said original.

Given under my hand and seal of office as such Notary Public, this 4th day of October, A. D. 1900.

(SEAL) (Signed) Lewis T. Martin.

Notary Public.

My commission expires Feb 3rd. 1902.,

D. W. C. Duncan being produced by the applicants after being sworn to testify to the truth, the whole truth and nothing but the truth testified as follows:

DIRECT EXAMINATION BY S. S. DENISON:

Q Please state your name, age, residence and occupation?
A My name is D. W. C. Duncan, my age is 70 years, my residence is Vinita, Indian Territory, my occupation is a farmer.
Q How long has that been your place of residence? A Since 1874.
Q Are you a member of the Cherokee Nation as it is now constituted?
A Yes, sir.
Q Upon what is your citizenship based, a Cherokee by blood?
A Yes, a Cherokee by blood.
Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?
A About that time I held the position of Clerk of the Citizenship Court or Commission.
Q If you remember the names of themembers of that Commission or Court, please give them?
A The President of the Commission was Tehee I believe, and a member by the name of Wolfe whose first name I don't recollect, and Mr. Thompson here.
Q T. F. Thompson?
A Yes.
Q Do you know whether those three members of that Commission were recognized citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?
A They were supposed to be citizens of the Cherokee Nation and their citizenship was based upon their blood.
Q Will you please look at the paper now handed you which the Notary has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will attach to Mr. Thompson's depositions, and state whether with the exception of the certificate of H. L. Bragdon, Clerk, and of John L. Adair Asst. Ex. Secretary, you recognize the paper as one you have ever seen before?
A Yes, I think I have seen this before.
Q When, and where, if you remember, did you first see that paper?
A This is a paper I drew up at the time I was acting as clerk of the said Citizenship Court.
Q Looking at its date, was it drawn at you at the time it bears date?
A To the best of my recollection it was drawn at the date specified.
Q Do you recognize the signature to the certificate attached to that paper?
A Yes, that is my signature.
Q State if you know, in whose handwriting the body of the paper is?
A It is in my handwriting.
Q And at that time you were Clerk of that Commission? A Yes.
Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and state if you can, by whom they were written?
A I think the first two is my handwriting, the last I recognize that as T. F. Thompson's.
Q Explain please, how you came to write the signatures of Thomas Tehee and Alex Wolfe to that paper?
A Thomas Tehee and Alex Wolfe were full bloods and could not write, and in their presence, and at their request I wrote their signatures.

Q Was that the usual manner of certifying to the action of the Commission to applicants as to the decision of their application for citizenship, where admitted?
A In all instances where it was necessary for the Court to sign a paper of any kind it was adopted by that Court for the Clerk to sign Tehee's and Wolf's names and T. F. Thompson to sign his own name.
Q You didn't catch exactly my idea, but perhaps that answered it, what I intended to call you attention to, was whether when applicants had been admitted to citizenship a paper of this kind now shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?
A My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was entered upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.
Q If you had any knowledge at the time the application of the Dawson family, F. M. and others whose names are mentioned in that paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. M. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?
A I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind is what has originated recently, since the enrollment business has been inaugurated.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q If as you certify, this paper was a transcript of the record, why did you have the judges sign it?
A I know no reason further than that was the practice at that time, the members of the Court being present I presume it was thought it would be as good or better than the signature of the Clerk.
Q Examine that signature of Mr. Thompson, examine the first T in his name and the T in Tehee's name and see if it is not all your own handwriting?
A No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accident.
Q How was the evidence taken in those cases?
A It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q Do you know whether that evidence is in existance or not?
A I do not, the last I saw of it was when I turned the records over to the Executive office at Tahlequah, and I have not seen it since.
Q You say you never heard any talk about this being an improper case until very recently?
A Well, that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can safely say that did not.

Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross-examination.

A They claimed their right of citizenship through a man by the name of Rogers, I don't recol ect his first name.
Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?
A I do.

(Signed) D. W. C. Duncan.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do certify that the foregoing depositions of T. F. Thompson and D. W. C. Duncan were taken before me at the time and place and in the action mentioned in the caption, and said T. F. Thompson and D. W. C. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence; the claimants being present in person and by their attorney C. B. Denison, and the Cherokee Nation being represented by W. T. Hutchings Esquire its attorney,.

Given under my hand this 4th day of October, A. D. 1900.
(SEAL)

(Signed) Lewis T. Martin.

Notary Public.
My commission expires 2/3/1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1903.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation,. He being sworn and examined by the Commission, testified as follows:

Q What is your name? A Francis Marion Dawson.
Q How old are you? A Soon will be sixty years old.
Q What is your postoffice address? A Afton now, it used to be Oswego.
Q What was the name of your wife? A My first wife was Julia Ann Howard.
Q She was a white woman? A Yes, sir.
Q When were you married to her? A I think it was the 6th of January, 1864.
Q Where were you living at that time? A In Arkansas.
Q Who married you? A A man by the name of Dave Sturdy.
Q Was he a Preacher? A Yes, sir.
Q A Minister of the Gospel? A Yes, sir.
Q Did you and she live together as husband and wife up to the time of her death? A Yes, sir.
Q Did you have any children by her? A Yes, sir.
Q What are their names? A Willis R. Dawson.
Q The next one? A Francis Marion Dawson Jr.
Q The next one? A Johnnie.
Q The next child? A Elizabeth.
Q The next one? A Arizona Allred.
Q Those are all the children you had by your first wife? A Yes, sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Joseph R. Dawson.
Q How old are you? A I will be 51 the 13th day of June.
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes, sir.
Q How are you related to him? A Brother.
Q Did you know his former wife, Julia? A Yes, sir.
Q Is she living or dead? A She is dead.
Q Was she a Cherokee or white woman? A I couldn't say what; they married in the states.
Q Do you know when he was married to her? A Yes, sir.
Q When was it? A About the close of the war.
Q Who married them? A Parson Sturdy.
Q Were you present when they were married? A Yes, sir.
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes, sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:
Q What is your name? A John K. Stevens.
Q How old are you? A 56 years old.
Q What is your postoffice address? A Afton.
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes, sir, as we call him, Mid Dawson.
Q How long have you known him? A My first acquaintance with him was in '61.
Q Did you know his first wife, Julia? A Yes, sir.

Q Do you know whether or not they were married? A Yes, sir, they were married.
Q Were you present at the marriage? A No, I wasn't present at the marriage.
Q Did you see them soon after their marriage? A Yes, sir.
Q Did you continue to know them for any length of time afterwards? A I knowed them as long as she lived.
Q During the time you knew them did they live together as husband and wife? A Yes, sir.
Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following Cherokee cases:
Arizona Allred et al D-535, John Dawson, D-580, William H. Dawson D-581, Lizzie Dawson D-584 and Francis M. Dawson Jr. D-588.

—o—

I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(signed) E. C. Rothenberger.

Supl.-C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 17, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS M. DAWSON, ET AL., as citizens of the Cherokee Nation:

The case having been set for final hearing March 17, 1902, the following proceedings were had:

APPEARANCES:
Mr. A. S. McKennon, of counsel for applicants;
Mr. W. T. Hutchings, of counsel for Cherokee Nation.

Mr. Hutchings: Comes now the Nation on the calling of this case and announces that it is ready for trial, provided permission is given to hereafter examine before the Commission, either at this place or Fort Gibson, the witness S. H. Benge, who has been regularly summoned to attend at this day and time but who is too sick to travel at this time and probably will be for some time to come. As evidence of a good faith of the Nation we hereby present an affidavit of the facts sought to be proven by the said Benge. If the applicant's counsel are willing to concede that the witness if present would testify to the facts herein set forth, the Nation is ready to proceed to trial without reservation of any kind. If they are not it desires to reserve this privilege of hereafter, either tomorrow or otherwise, this case being set for to-day and tomorrow, of examining before the Commission, or its authorized officer, this witness as above set forth.

Mr. McKennon: Applicants object to the introduction of the paper presented and do not admit that the witness, Samuel H. Benge if present would testify to the facts therein stated. They consent and desire that the testimony of said Benge be taken before the Commission at its office in Muskogee but not elsewhere, and protest against it being taken at any other place, with the understanding, however, that when taken we have opportunity to introduce any evidence we may desire in rebuttal.

Mr. Hutchings:
The Nation will pay all the expenses of the opposing Counsel, their client and Commission officers in taking the deposition at Fort Gibson.

Commissioner Breckinridge: The allegations of this witness are material in their character and are quite tangent. The Commission of its own volition would acquire information of that character if it knew of its existance anywhere. While the functions of the Commission, as well known are in many respects judicial, yet it is bodied with somewhat complex powers, such as Congress creates from time to time to do business of certain character, and it is ordered to make a correct roll, which is a duty largely independent of hearing simply what is brought before them; it must be the architect and constructor of that roll and if evidence is not brought before before the Commission it must go out and get it, to be uniform on that construction of the law. The Commission, therefore, desires this information independent of any counsel on either side both with respect to the applicant and to the Nation, and if this witness is

is not able to come one of the Commissioners will go to Fort Gibson and to his bed-side, or send a proper official, if necessary to take his testimony. The only matter to consider, therefore, is one of convenience with respect to getting this testimony. Now, I understand that this witness is an extreme sufferer from Bright's Disease he is an old man and he may never be able to get out of the house, and it may be an injustice to him to subject him to a trip here, and therefore it seems to me better that counsel for plaintiff submit to a form of taking a deposition or else accompany an official of this Commission over to Fort Gibson and let his testimony be taken there.

After consultation with the attorneys upon the two sides it is found to be agreeable that the parties start to Fort Gibson to-morrow morning at half past eight o'clock, and it is agreed then and directed with an official of the Commission with a stenographer leave from the office of the Commission for Fort Gibson at 8:30 to-morrow morning.

FRANCIS M. DAWSON, the applicant, re-called for additional cross-examination on part of the Cherokee Nation:

MR. HUTCHINGS:

Q What is your name? A Francis M. Dawson.
Q Where do you reside? A In Afton.
Q You have been examined in this case heretofore, have you?
A I don't know which case it is.
Q In your own case? A Yes, sir.
Q Are you the one that is commonly called Bud Dawson? A Yes, sir.
Q You made the original application in the Dawson family for admission to citizenship in the Cherokee Nation, didn't you? No, sir; my brother.
Q What was his name? A A. B. Dawson.
Q You and Robert Dawson and Elbert Dawson and others applied September 24, '81, about that time? A Yes, sir.
Q And you were admitted about the 11th of January '83? A Yes, sir.
Q There were other members of your family that applied and were admitted after that time? A Yes, sir.
Q Do you or not remember the evidence offered in their to substantiate their cases was the relationship between yourself and Robert and others and the evidence of your admission by the Tehlequah Court. In all the subsequent admissions I mean the only evidence offered was the fact that you and your brothers had been admitted before and what they were kin to you; that was the only evidence offered in any subsequent cases, wasn't it; so far as you know?
A That is afterwards?
Q Yes, afterwards? A I think there was some other evidence introduced.
Q Don't you know that there was never any evidence offered in any other case except evidence of Dr. Baker of Arkansas? A Yes, sir.
Q The clerk? A Oliver Miller.
Q Who was Oliver Miller; the records in this case have been somewhat removed and mutilated? A Oliver Miller [illegible] lived in Arkansas.
Q What was he, who was he? A He is [illegible]
Q Well, what station in life did he occupy; was he a farmer?
A Yes, sir, former.
Q Were you present when he testified? A Yes, sir.
Q Were you present when Dr. Baker testified? A Yes, sir.

Q Have you a fair recollection of the testimony of those two men?
A No, not at all.
Q You don't read do you, Mr. Dawson? A No, sir, I dont read nor write; I can barely write my name.
Q Do you think you would remember the testimony of Dr. Baker if your mind was refreshed on it? A Part of it I think.
Q Were you present when you were admitted? A I was not in the room.
Q You were in Tahlequah at the time? A I was in the town of Tahlequah at the time.
Q I will read this paer to you and desire for you ro say whether or not it was the testimony of Dr, Baker in your case:
(Affidavit of Dr. Arthur Baker read to witness, and asked to be copied in the record later.)
Q Is that the correct transcript of the testimony? A It has been so long ago, I could not say; a part of it is, I could not remember it all.
Q Does that state the facts as to the family history correctly so far as you know about it? A So far as I know.
Q Now, you were a son of what Dawson? A Robert Dawson.
Q How many children did Robert Dawson have, and give me their names?
A Albert Dawson, the oldest; Lila, Jesper, Francis Marion-
Q That is yourself? A Yes, sir; Elizabeth Dawson, Josephine Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson, Edna Dawson, Mollie Dawson, Wilburn Dawson.
Q Thirteen? (No response,)
Q Now, Robert Dawson's father was whom? A Sam Dawson.
Q Who was Sam Dawson's wife, your grandmother? A I have been told.
Q By family history is all you know? A She was called Polly Dawson.
Q Who was Anna Pruitt? A I don't know.
Q Never heard of anybody in the family by the name of Anna Pruitt? A No, sir, that was away back in the old country; I have heard talk about it, old Dr. Baker talked about it.
Q Your grand-mother's name was Polly Dawson? A Yes, sir; I don't remember seeing her but once, she died when I was small, died in Texas.
Q Pollie Dawson? A Yes, sir.
Q And she was known to be Pollie Rogers, her maiden name? A Yes, sir.
Q Daughter of Captain John Rogers? A Yes, sir.
Q Now, she died in Texas what time? A I don't remember.
Q Can't you guess at it? A Oh, I could guess.
Q Give your best recollection? A About '58 or '59, or no, '48 or '49; I don't say positive, just guessing at it.
Q How old a boy were you then? A I was born in '42.
Q Have you any distinct recollection of her? A No, sir.
Q Have you any recollection of all the children of Sam and Pollie Dawson; that is, your father, uncles and Aunts? I didn't see all of them.
Q Do you know by family history the names of all of them? A Yes, sir.
Q Will you give them to me?
A Betsy Ann Dawson, I believe her name was.
Q Did she marry a Petty? A Yes, sir; the next is Robert Dawson.
Q Your father? A Yes, sir.
Q Next one? A I think the next was James Dawson, and I think the next one was a girl, Edna Dawson.
Q Did he have two daughters? A Yes, sir.
Q Well sir? A The next one was Joe Dawson; I never saw him. Riley Dawson.

Q That is Samuel R. Dawson, Riley Dawson? A Yes, sir.
Q Any other one? I think is all I know anything about.
Q Did he have any child by the name of John? A Yes, Jack.
Q Didn't you get Jack mixed with Jess? A No, it was Jack; I have heard my father speak of him.
Q They have been dead a long time? A I never saw them all.
Q How many of them did you ever see? A I used uncle Riley Dawson and Aunt Louisa A. Dawson and Betsy Ann Petty; I don't think I saw Bill, one of the other brothers, they went to Mississippi I think.
Q Do you know what your family history says that the mother of your grandmother, Nellie Dawson's name was? A We have no history.
Q Well, as it was brought down to you; did you ever hear anybody say what your great grandmother's name was? A No, I don't remember.
Q What is that other man, Oliver Millspaugh testified in your case? A He testified in James Dawson's case; he never testified in my father's case.
Q Well, didn't anybody testify in your case but Dr. Baker?
A Yes, sir, several other witnesses.
Q Who were they? A I don't remember; my mother got them witnesses around Tahlequah, old people.
Q Were you present? A No, sir.
Q You were only present when Dr. Baker testified? A Yes, sir.
Q Now, do you find any mistakes in Dr. Baker's statement there?
A I could not say all of that was correct or not, part of it is correct.
Q What part is there of it? A Why about knowing the family over there.
Q Who is Buck Dawson? A My brother.
Q What is his name? A We always called him Buck, it is Elbert, E. Dawson.
Q Who went with you the first time you went up to make application for citizenship do you remember? A With my brother.
Q The first time? A I and my brother in Texas.
Q Which one? A E. Dawson.
Q That is Elbert or Buck? A Yes, sir.
Q You were living in Arkansas? A Yes, sir.
Q And he was living in Texas? A Yes, sir, and another one of little brothers, Dr. Dawson now.
Q Dr. Dawson now? A Yes, sir.
Q What is his name? A James.
Q And you three went there? A Yes, sir.

Mr. McKennon: Applicants by their counsel object to all the statement of the witness relating to the testimony introduced before the Cherokee Citizenship Commission, and the history of the family as detailed by him, because the same is incompetent and irrelevant, and cannot be used for the purpose of impeaching the integrity of the judgment of said Commission, or either of the Commissioners in admitting members of the Dawson family.

Commission: The objection of the Attorney for the applicants to the testimony above will be noted. The same will be filed and noted for what it is worth.

(Attorney for applicants waives examination.)

O. H. TAYLOR, being duly sworn, testified as follows on Part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A C. H. Taylor.
Q Where do you reside, Mr. Taylor? A Near Coffeyville.
Q Were you an attorney before various cities this Court sits along in '01 to '07 in the Cherokee Nation at Tahlequah? A Yes, sir.
Q Were you attorney for W. H. Dawson who is only known as Bud Dawson? A Yes, sir.
Q Were you present at the taking of testimony in that case? A No, sir; I wasn't present.
Q Do you know who can need the court that decided the case at that time? A Yes, sir.
Q Who were they? A Tom Teneo and Alex Wolfe and Tommy Thompson.
Q Do you know whether or not they were all there when the case was decided? A No, sir, there was only two of them present.
Q Which two? A Teneo and Wolfe.
Q Who was the Clerk of the Court at that time? A Mr. Duncan, D. W. C. Duncan.
Q Do you know what witnesses were used in the case of Bud Dawson? A No, sir; now I was the attorney in the case and the evidence had already been filed before the Court.
Q When were you made attorney? A I was only called in as an attorney at the— Well, Mr. Duncan came down there, and Mr. Bryant had the case and several other attorneys had the case and he employed me.
Q Did you read the evidence in this case? A No, sir.
Q Did you deliver any money? A Now, I was the attorney in the case and I don't think it would be right for me to make any statement.
Q Now, you have claimed your privilege, I ask that you answer the question? Did Dawson ever send you any money with the direction to pay it to either member of the Court or the Clerk of the Court, D. W. C. Duncan, and if so state the amount? A I had a heap of trouble over this matter.-

Commission: Just answer the question, Mr. Taylor.

A Being the attorney I don't believe it is right for me to answer that question.

Commission: Do you refuse to answer? A Yes, sir.

Q Did the matter to which you object to testifying occur prior to the rendition of the decision admitting to citizenship or afterwards? (No response)

COMMISSIONER BRECKINRIDGE:

Q Do you desire to reply to the last question? A I don't think it is right; I was attorney in the case.
Q Mr. Taylor, do you object to answering that question? A Yes, sir.
Q You refuse to answer that question, do you? A I had rather not answer it.

Q Either answer it or say you won't answer it? A I had rather not answer it.
Q Mr. Taylor, you have answered a number of questions down to this point, but it is at this point that you prefer to plead your privileges, as an attorney, do you? A Yes, sir.

Com'r Breckinridge: The power in regard to these matters is lodged in the United States. The Court is clothed with special power with reference to matters which arise through this Commission. Of course the Commission desires to aid the Government

needs for the making of a correct roll the fullest information possible, but it is subject to the limitation of law, and it is not for this Commission to decide of the law in a matter of this character with any authority as I understand it at this time, but to report the matter to the United States Court and let the Court pass judgment.

Under section 81 of the Curtis law as it is commonly called Act of June 28 1898, the members of the Commission shall in performing all duties required of them by law, have authority to administer oaths, examine witnesses and send for papers and persons, and the court is clothed with authority to enforce obedience. The law having enumerated certain powers goes on to say so far as all others are concerned to enable said Commission to make rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work. Now, the commission will report the facts to the United States Court and let the Court decide whether or not you are within your lawful privilege. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what what is commonly considered a matter of privilege--according to an authority referred to by an attorney, but the enforcement of an answer seems plainly to be a matter for the Court to deal with.

Q Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct that you make answer, and if you refuse I shall report the matter to the United States Court: do you refuse? A Yes, sir.
Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer; viz: As to whether Mr. Dawson sent you money to pay to the Court or to any officials of the Court, it seems to come under the question as to whether there was any collusion between you and Mr. Dawson and any member of the Court; now, I understand that you refuse to answer that question upon the grounds that you were Mr. Dawson's attorney? A Yes, sir.
Q Now, I require that you answer that question, do you refuse?
A Yes, sir.
Q I shall also report that refusal to the United States Court as it seems to come under the provision of law, relating to conspiracy between you and Mr. Dawson which apparently considered a privilege matter, and you base your refusal now, not upon the ground that you are incriminating yourself, but that you were counsel for Mr. Dawson. I will report the matter to the Court and you will be informed at the time of any proceedings in the matter I caution you not to talk with Mr. Dawson or any of the applicants in this case.

Mr. McKennon: Applicants do not object and have not objected to the witness answering on account of his privilege as an attorney or for any other cause whatever, they only want to object to the incompetence and irrelevancy of the testimony, with the privilege of cross-examining upon any testimony given by the witness.

COM'R BRECKINRIDGE:
Q You still refuse having the consent of the attorneys in the case to make answer? A I will just ask your Honor to let the matter go over until morning.

Commissioner Breckinridge: It will rest until in the morning at its present status: it is after business hours now.

As for the objection made by Captain McKennon, Counsel for the applicant, it will be taken into consideration, but will not be granted at the present.
(The Commission adjourns until 1:30 P. M. to-morrow afternoon, March 10, 1903.)

Supl.-C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., March 10, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS M. DAWSON ET AL., as citizens of the Cherokee Nation:

Appearances:
Mr. A. S. McKennon, of Counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

SAMUEL H. BENGE, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Samuel H. Benge.
Q Where do you reside? A Fort Gibson.
Q How old are you? A I am 70 years old, going in 71.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; Cherokee by blood.
Q State what official position you have held in the Cherokee Nation and what your general connection with the Nation officially in the last 40 years? A Well, I had several; I have been Sheriff, Councilman, Senator, Delegate to Washington; had a hand in making the treaty of 1866, I am the only one living that signed that treaty; President of the National Council of different tribes of Indians.
Q Were you acquainted with F. M. Dawson, commonly called Red Dawson? A Yes, sir; I knew him.
Q State you connection with and what you know about his citizenship case before what is known as the Thomas Tehee Citizenship Court? A Mr. Dawson come down, I was living down below here, he come and employed me to tend to his case and we went to Tahlequah, I believe if I ain't mistaken in 1881 and filed his case there; we went several times and continued his case on for the want of evidence, and finally while we was up there we run across one old darkey by the name of Tosh Rogers; we got his testimony and after we got that testimony we concluded that it was sufficient to go into the trial with. Tosh lived here at Fort Gibson, he was a horse trainer down here and stayed here; he claimed that he knew the Rogers and belonged to one of them and after that we thought we had sufficient evidence we submitted our case to the Court for trial, and the Court went to work and rendered a decision against Mr. Dawson. I told Mr. Dawson right there that "our case is dough", just made that remark, and he just made the remark "never mind", and next morning they taken up his case again and they rendered a decision in his favor. I filed no motion nor any evidence at all whatever; I give the case up right there and the decision was then given in his favor, and on our way back from Tahlequah, why we got to talking about the case and I told him: "it was a pretty hard blow when they rendered that decision against us." He said: "yes, but Duncan was the man to reach", but he reached him with five hundred dollars.
Q What position did Duncan occupy? A He was a Clerk of the Court.
Q Duncan an educated man or—? Yes, sir; he was an educated man.
Q Who were the members of the Court? A Tom Tehee, Alex Rolfe and Tom Thompson.
Q How many of these could speak English at all? A One.
Q Which one? A Thompson.
Q Who was the Attorney that represented the Nation in those cases? A Wm Saunders.

Q What was his given name? A Wilson Sanders; was it Wilson Sanders?
A Wilson Sanders.
Q Was he an educated man, or could speak English well? A No, sir.
Q Did Mr. Dawson say anything about the matters having cost him a good deal of money? A He said it had cost him a right smart.
Q Was any remark made on the way back about the opening up of the case, and if so, what? A He asked me if I thought the case was ever investigated eventially and I told him I didn't know.

MR. McKENNON:

Q Were you ever a witness in the Dawson case, Judge, in any of those investigations that have been made since that time? A I don't know that you might call it a witness; that young man came to me once at Tahlequah, and asked me to help him up there that the case was going against him, him and his mother and all was about knocked out and I interceded and done what I could there before the Committee. I was not a witness but that is that I don't for him.
Q That was Mr. Graham, wasn't it? A Yes, sir.
Q Have you had conversations with Mr. Graham since that time about it? A Well, I might, I don't recollect, I might have had conversations with him.
Q Well, after the Dawes Commission began taking a census of the Cherokees and when they were about Sallisaw down here, did you have a conversation with him here in Fort Gibson about the matter? A Now, I just can't tell you; I have seen him on several occasions, but the conversations we might have had I can't state.
Q To refresh your memory I will ask you if he did not tell you that they were making a fight on the Dawson family and he wanted to know of you whether that judgment in favor of Robert Dawson's family was fairly rendered, and did you not then tell him that it was all right, that it was fairly obtained? A Not as I recollect of; all he said; that is as I have stated he talked to me in regard to his mother, himself and probably his brothers and sisters, I don't recollect how many there were, but he told me they were rejected, that is just the words he used.
Q When? A It has been sometime ago.
Q Here in Fort Gibson? A Well, that is I saw him here in Fort Gibson, and then I saw him in Tahlequah.
Q Well, did he here in Fort Gibson ask you particularly about the Robert Dawson judgment, as to whether it was fairly obtained or not? A No, sir; he was basing his claim on the Dawson case, that is the way he-
Q That is the principal Dawson family? A Yes.
Q When was this other written statement here made, when was this made by you? (referring to affidavit heretofore referred to.)
A Yesterday I reckon.
Q Who came to take this? A Mr. Starr.
Q Who else was present when this was taken? A No, sir.
Q Whom had you told about this matter, Judge? A No one as I know of.
Q Do you know how it was that they knew that you knew this?
A No, sir.
Q You never made any statement? A Never made any statement that I recollect of except I might have talked with Scales, he and him talked about these cases a good many times; if I ever made a statement it was to Joe Ab Scales.
Q How did Mr. Starr know? A I could not tell you how Mr. Starr knew.

Q He came alone here as a Notary Public? A He came alone here as a Notary Public. All he said when he come, he says "we understand that you know something in regard to these cases", I said " what case," and he went to work and named Shoemake case and Dawson case.
Q And thereupon you made this statement? A He said he wanted to qualify me.
Q Are you certain Judge that after the rendition of tat judgment Mr. Dawson came back here to Fort Gibson with you?
A Yes, sir; we was together.
Q Let me ask you if it was not a very cold day when he came here and he went over ahead of you and you went over to Tahlequah the next day or two after he left? A My recollection was he and I went together.
Q And returned here together? A Yes, sir.
Q Did he not leave you there and go back direct to Arkansas?
A No, sir, we came here together. If my memory serves me right, I might be mistaken but then I don't believe I am, he came from Webbers Falls up here to my house, that is according to his statement.
Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.
Q How didthey pay you? A Paid me the money.
Q Who paid it to you? A Dawson there and that fealow, young fellow paid me some.
Q Mr. Graham? A Yes.
Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.
Q I will ask you if Mr. F. M. Dawson here did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you $50 that they paid you? A No, if I ever got a letter of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over i Arkansas, but not living down in Texas, I don't know about it.
Q Where did he pay you the money? A Paid it here at home.
Q Before you went out? A He paid me fifty dollars before we went up and when we went up yonder he paid me fifty dollars more; if you want to know what I got, I got one hundredn dollars.
Q You were acting as his attorney in the case? A Yes, sir.
Q How many judges were there present when the judgment was rendered? In his case?
A Yes, sir. A Well, according to my recollect there was all there, but if they were not all there, Tom Thompson was sick. Tom and Wolfe.
Q Don't you remember that they were all present? A No, I think they were present though.
Q Who else was present at the ime? A Oh, I could not tell you, there were several people in the house; could not tell you at all.
Q Were there several in the house the evening before the judgment was rendered against them as you say? A Yes, there were several in the house.
Q Were several in the house when the judgment was rendered the next day? A I don't know how many there was.
Q Do you remember the names of any of them? A Why not exactly, mostly full bloods.
Q How long didyou remain out at Tahlequah on that trip?
A I guess I was there about hree days.

Q Tending to this case alone, or did you have other cases? A no, sir.
Q Do you know of your own knowledge that the judges received any money (this question asked at the instance of Mr. Graham present)
A I don't know whether the judges received nay or not.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

March 18, 1903. Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. H. TAYLOR takes the stand and continues his testimony.
BY MR. HUTCHINGS:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today: have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held as in contempt of the Court.
Q You would be held in contempt and the other Court would make you answer? A That being he case of course I would make a statement.
Q Are you acquainted with D. W. C. Duncan, the Clerk of what is known as the Tehee Citizenship Commission Court? A Yes, sir.
Q Did you ever have any conversation with him about letting him know of the different character of cases that would come up before the Court that you knew of, whether they were good ones or bad ones?
A No, the only thi g that ever come up in that respect; he asked me if whatever large cases that would come up befor the Court to let him know.
Q Did you have any talk with him about the Dawson case during the progress of its trial or before and ever introduced Mr. F. M. Dawson to him, or carry him to him? A I spoke to him when Mr. Dawson came to Tahlequah to see about his case, and he said that he would take the papers over to his room, the Dawson papers.
Q Did you see him again that night? A Yes, sir; after supper I went down to his room.
Q Did he ask you about the Dawsons or Dawson case? A He asked me where Dawson was.
Q Which Dawson are you referring to now, F. M. Dawson, known as Bud Dawson? A Bud Dawson.
Q Well, what didyou reply to him? A I told him that I thought he had gone to church.
Q Did you find Dawson after church? A Yes, sir, he told me to come and bring Dawson down and I did so; Dawson was in church.
Q You carried Dawson to him? A Yes, sir.

Q Did you remain during the conversation? A Only a minute.
Q What was said if anything while you were present? A Mr. Duncan spoke to Mr. Dawson and says "there is a hitch in your evidence."
Q Go ahead and state what else he said? A He said "if that was straightened out it would be all right," and I turned and went away, I says, "gentlemen, I will go home."
Q Did you know of their having any other conversation or communication after that? A No, sir.
Q You left them there together yourself? A Yes, sir.
Q Did Mr. Dawson give you any directions the next morning about submitting the case? A Yes, sir, he asked me to call it up the case.
Q The next morning? A Yes, sir.
Q Had there been any additional evidence offered? A No, sir; there was not additional testimony offered.
Q He told you the next morning to call up the case? A Yes, sir.
Q Was it called up and submitted the next morning? A Yes, sir.
Q Now, how many of the members of the Court were there present that morning? A There were only two, two full-blood Indians.
Q Could they speak english at all? A Tehee could talk a little, talk some.
Q Did that Court have open sessions all the time or what is called executive sessions sometimes? A Well, I don't remember about that; it was generally when the case was submitted th attorneys would go out. The parties would go out and they would determine the case.
Q Well, did they go out into that sort of executive session the next morning on the Dawson case? A Well, we went out when the case was submitted.
Q And was the decision rendered that morning in their favor?
A Yes, sir.
Q Who notified you of the decision of the Court? A Why, Mr. Dawson.
Q Do you remember whether he went out with you or was in there during the consideration of the case? A I think he went out with me.
Q Did you at any time thereafter receive any money, checks or other evidence money from Mr. Dawson with direction to turn it in part over to D. W. C. Duncan, the Clerk of that Court? A Mr. Dawson gave me 30 dollars and said he would send the balance in a short time, said he would send some more money in a short time.
Q Well, did he send any money afterwards? A Yes, sir, in the course of ten days or two weeks he send a hundred dollar check, draft.
Q What did he direct you to do with it? A He directed me to give D. W. C. Duncan half of it.
Q Did you give him half of it? A Yes, sir.
Q Did he send you any at any other time after that? A Well, in the course of a couple of weeks he sent me a hundred dollars more.
Q Did he direct you to turn any of that and if so how much, to D. W. C. Duncan? A He told me to give him half of it,
Q Did you give him half of it? A I did, sir.
Q Do you remember whether on Dr. Arthur Baker was the principal witness in behalf of the Dawson case? A No, sir, I don't because I never had any connection with the case, but I heard that he was a witness in the case.
Q No argument was made when you submitted the case? A No, sir.
Q Just submitted it on the testimony? A Yes, sir.

MR. McKENNON:

Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Were you born and reared in the Cherokee Nation? A No, sir; I was born in the old Nation.

Q When did you come to the Cherokee Nation? A Come here in 1895.
Q How long have you been practicing law in the Cherokee Nation?
A I think since '96.
Q You have done a great deal of citizenship business haven't you?
A Yes, sir.
Q You were in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.
Q Were you convicted there? A Yes, sir; I was convicted there on this very case.
Q And served a term of what length? A I was sent to the jail hospital for sixty days and I stayed in about 38 or 39 days, and I was released.
Q When was that? A I don't remember how long ago it has been.
Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention; Clem Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.
Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the mail for fraudulent purposes.
Q Sending out propositions and obtaining case for citizenship for people [illegible] Cherokee Nation? A No, sir, it was for answering correspon[illegible].
Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went before the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.
Q Well, now, was the charge based upon that or was it based upon your letters you sent out to other people? A That was the charge for using the mail for fraudulent purposes.
Q The use of the mails for fraudulent purposes not in connection of this case was it? A Not particular of this case.
Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is what you mean to say? A Yes, sir.
Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.
Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.
Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.
Q Yet when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occured between you and your client, Bud Dawson, in relation to this matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.
Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he summoned me and I come down here and I didn't want to make a statement to him but he insisted.
Q He had no power to compel you to make a statement? A No, sir.
Q You could then make it very freely and your conscience did not hurt you, but when you came on the stand you were very conscientious about it? A I didn't want to make a statement at all unless I I would be put in jail here if I didn't.
Q But you had armed them with information by which they could ask you these questions when you came on the stand? A I had told Mr. Hastings.

Q You knew when you gave him that information that you would be brought on the stand as a witness, did you not, by reason of that?
A No, I didn't know that I would be compelled to make a statement in the matter, a sworn statement.
Q You thought you would not be compelled to answer?
A I didn't think the law would compel me to make a statement.
Q Why then did you make a statement to him about it? A Oh, he was asking me about it, and I told him that I didn't want to make a statement, and I didn't for quite a while after I came down here.
Q When the enrollment division of the Dawes Commission was in Tahlequah, in the winter of 1900, did you not there meet T. M. Dawson and did you not then and there say to him that you told Shoemake I would be for him if he would employ me in his case and if he didn't I would be against him, and the same to you?" A No, sir; I said to him this; I says that if there is not something done that I will likely be summoned against you and Mr. Shoemake both.
Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it. I was going out of town just as he came in.
Q When you told him if something was not done you would be summoned as a witness against him; what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.
Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?
A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your client to you on one instance, but if a little more money was put up you could not be required to make a statement; is that what you mean? A I didn't think I could be forced to make a statement at all in the matter.
Q Why didyou make that expression to him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I meant if I was employed in the case.
Q If he would put up you would not testify? A That they could not force me to testify.
Q About the month of February, 1901, in the town of Wagoner, Indian Territory, did you not send your son to get Graham to come to the hotel at night, and did you not then and there say to Sid Graham; "you people are on the doubtful list and if you will give me $500. I will make it all right and see that you are enrolled and if you don't I will see that you don't get on? A No, sir; I got a letter from Sid Graham in which he asked me to certify that the case was all right and after I met him I told him that I could not do it, that the case was crooked. He then came to me, he says, "I will give you a hundred dollars", he says "will you take a hundred dollars," I said "no, sir." I didn't make any bid to him that I didn't set no price with him.
Q You did not say to him then what I have embraced in that question there? A No, sir.
Q You did have a conversation with him about that time and at that place, did you not? A Yes, sir.
Q You say you didn't make any bid or set any price? A No, sir; he offered me a hundred dollars.
Q Why did you send for him to come to the hotel? A In answer to his letter.

A Did you not [illegible] yesterday morning on the street in Muskogee, Indian Territory, in a conversation with W. H. Shoemake say to him: "You have made a great mistake in not keeping in your employment and so have the Dawsons and it will go hard with you and you will see it"? No, sir; I says to Mr. Shoemake, I says "Who have you employed in your case," and he says "Judge Thomas and Mr. Owen." I said "It might have been a advantage to you if you had retained me in your matter;" well, he says "there was nothing wrong in my case" and I says "no, there is nothing wrong on earth in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I says "there is not a thing on earth wrong in your case as I know it came up fairly and squarely and decided in your favor."

Q You said nothing to him about the Dawson case? A Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am summoned on the part of the Nation and I don't want to make a statement and I want if I can possible avoid it."

Q Was that before or after you talked with Mr. Hastings, the representative of the Nation? A It was afterwards.

Q You meant by that if you had refused to answer you would have gone to jail? A No, sir; if they had employed me before hand I meant not now.

Q You mean that if they had employed you before hand you would not have given this information to Mr. Hastings? A I would not be required, being the attorney.

Q Were you required to give him the information; did you know that you had to give him any information? A Who do you mean.

Q Mr. Hastings. A I did refuse him and he insisted.

Q Well, he no authority to compel you to do it? A No, sir; I don't know whether he did or not.

Q As a lawyer you knew that he did not have authority to compel you to make a statement to him? A I told him that I was an attorney in the case and I didn't want to make any statement at all.

Q Why did you do it? A Well, he intimated to me it would go any further. He said to me "I will not make this matter — I will not use it;" that is, what I stated to him was part in confidence.

Q And he pledged you his word that it would not be used? A Well, I told him I could make a statement in confidence, and that I didn't want to make a statement before the Court.

Q Well, what did he reply, as you said just now? A Oh, he says make the statement and then I told him—I regretted very much to do it, and I regret very much to make a statement here. I tried to avoid it yesterday.

Q You stated just now that he said it would not be used; did he say that or not? A Well, something to that amount; oh, he says it wont make any difference or something to that effect.

Q Now, don't you know that Mr. Hastings did not intimate to you that the statement he was making you make would not be used? A Well, I didn't think that I could be forced to make a qualified statement before the Court here, because I thought my license would protect me in that matter.

Q Yet it did not protect you or prevent you from making a statement to the attorneys for the Nation? A No, sir.

Q Now, in this conversation with Shoemake to which I before referred did you not ask him to again employ you and tell him if he would you would make it all right for him? A No, sir; I didn't say that; no, I said if he had employed me in the matter "maybe it would have been better for you." Now, he offered me when I was down here last week, he offered me five dollars to go down and talk with his lawyers on the matter, I didn't go I was busy.

Q That was not your price? A No, no. I had nothing to say in his case that would be to his advantage; I knew nothing against him.
Q Now, then, you say that your were present on the morning that the judgment was rendered in favor of the Dawsons? A I was not in the Court house.
Q You were present in Tahlequah? A Yes, sir.
Q How long had you been at Tahlequah? A I was living there at that time.
Q When were you first employed by them? A By Dawsons?
Q Yes, sir. A The evening before the case was tried.
Q You say that after he judgrent was rendered Dawson handed you $30? A Yes, sir.
Q And told you to hand to Duncan? A No, sir.
Q What was your statement? A That he paid me $30 and says "I will send you some more in a short time, week or so.
Q And then he sent you $100? A Yes, sir.
Q And wrote you to give D. W. G. Duncan $50 of it? A Yes, sir.
Q And then sent you another $100 and told you to give him half of it? A Yes, sir.
Q How much did they pay you? A Well, that was the agreement, was that he would pay me $50 a family.
Q How much did he pay you? A I think there was $250; now I am not sure about the $50, but it appears to me like there was a $50 sent, and Mr. Duncan asked me, as well as I remember, says "have you got a letter from Dawson," I told him "yes, sir." It was either that or the $100, and he says "I would like to have some money", and I went to Stapler's and got it changed— I won't be sure about it being $50 or $100—I went to Stapler's and got him to cash the check and give him his part of it.
Q How much did he pay you for your services? A That is all I got.
Q How much? A I think it was $100, $130.
Q What did you do for them? A Didn't do a thing only called up the case and submitted it; never read the evidence.
Q Submitted it without remarks? A Yes, sir.
Q And for that you say they paid you $130? A Yes, sir; $130.
Q Was Houston Benge present when that was one? A No, sir; I don't think he was.
Q Did you see him then at that time in Tahlequah? A I don't remember.
Q Were you associated with him in any manner in connection with the case? A No, sir.
Q You had a great deal of business of that character, have you before the Courts? A Yes, sir.
Q Were you paid like fees in other cases for like services? A Yes, sir.
Q In many of them? A Yes, sir, good many.
Q All like cases? A Oh, citizenship cases.
Q When was it you were in jail at Fort Smith? A I don't remember; Mr. Mellette can remember, he was there, he was my attorney.
Q Was it about 1885? A It was somewhere along there, along in 1880 somewhere.
Q That has been your principal business as a lawyer, has it not? A Yes, sir.
Q You have never practiced much in any other way have you? A Very little.
Q Were you in the habit of working your cases through in the same manner in which you state you worked this through? A No, sir.

Q This was an exception was it? A I never worked this case through. I simply called the case up by request of Mr. Dawson. I read the evidence; don't know what proof there was in it: he just asked me to call the case up.
Q And he agreed to pay you $50 a family for doing that? A Yes, sir.
Q Was that what you required of him? A That is what he agreed to pay. I says "What will you give?" He says "I will give you $50 a family."

MR. HUTCHINGS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoemake case didn't he? A Yes, sir.
Q And you told him at that time before you knew anything about whether you would be made or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemake case? A Yes, sir; that is what I said.
Q You told him at the same time that you not only expected to claim you privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKennon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strenthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.
Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.
Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.
Q And let the Court decide? A Yes, sir.

MR. McKENNON:

Q Now, have you a license to practice in the United States Courts? A Yes, sir.
Q In the Territory? A Yes, sir.
Q And also in the Indian Courts? A Yes, sir: do you want to see them?

JAMES W. LEWIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your anem please? A J. W. Lewis.
Q James W. Lewis? A Yes, sir.
Q Where is your postoffice, Mr. Lewis? A Afton.
Q How old are you? A 73 years old.
Q What is your business ? A I work at the tin business and gun work.
Q Do you know one James Dawson, the brother of F. M. Dawson and the other Dawsons? A I know old man James Dawson.
Q That is the one I mean, old man James Dawson? A Yes, sir: I know him.
Q How long have you known him? A Well, some four or five years, I guess.
Q How long? A Four or five years I think.

Q When did you come to the country? A I have been in the country 70 odd years.
Q Well, when did he come to the country, do you know? A Along about somewheres in eighty if I recollect right, might have been later than that.
Q How did you happen to get acquainted with? A He lived right close by me and I built a house for him.
Q Did you have any conversation with him at the time you built that house? A Yes, several different times.
Q About how he became a citizen of the Cherokee Nation, about the circumstances? A Yes, sir.
Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?
A Well, he told me that it cost him $700 to get his rights.
Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

MR. McKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewheres near about 70 years old, he might have been older than that, I don't know.
Q He was a very old and feeble man? A Yes, he was old and feeble.
Q He seldom ever got out away from his house? A No, sir, only short distance.
Q When you first knew him he was that kind of man? A Yes, sir.

J. L. CLINKENBEARD, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A J. L. Clinkenbeard.
Q What is your post office address? A Vinita.
Q How old are you? A 56.
Q Were you ever an applicant for citizenship before the Tehee citizenship Court in Tahlequah? A Yes, sir.
Q About what time was that? A September '81, I think.
Q Did you meet there about that time, one Elbert or Buck Dawson?
A Yes, sir.
Q How did you happen to meet him? A He and I stopped at the same place, man's by the name of Sharbow.
Q You and he stopped there, did you, board there? A Yes, sir.
Q Well, did you have any talk about citizenship cases, yours and his? A
A Yes, sir.
Q Where did he state that he was from? A Texas.
Q Well, state what you can remember of the conversation between you from time to time about citizenship in the Cherokee Nation?
A Well, we were there on the same business and we talked about it at different times, and in talking about the evidence we had there - I, of course, told him how many witness I had and what I could prove and so on, and he said that he didn't have but one witness, Dr. Baker from Arkansas, a man that was 85 or 90 years old, he said, and he hadn't come and said he was to have met him there, but he hadn't come.
Q Well, what did he say about the Doctor's knowing anything?
A Well, he said he was 85 or 90 years old and didn't know straight up.
Q Well, did he say anything about giving him whisky?
A Well, he said he could give him four drinks of Arkansas whiskey and he could swear that black was white.

Q Did he say anything about what money would do in Texas or Indian Territory? A Well, in talking about the evidence, he said that money was what made the mare go down in Texas and he said "I come to get the fur of the land" and he says "I found out it goes here," or words to that effect.
Q Did he say what he had to spend on the question? A Well, he said that he could stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.
Q What did he tell you what he thought about the necessity of witnesses anyhow? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.
Q Well, where did he go from there? A He and I left there together; he came to Muskogee by way of Fort Gibson and there we parted.
Q Did you ever see him after that? A I saw him about two years or something like that afterwards.
Q Where? A Vinita.
Q Did you refer to the citizenship matter? A I asked him how he come out and he said all right.
Q Was he deformed in any way this man? A He had a crippled hand or stiff finger; I don't remember just what it was now.

I R. McKENNON:

Q Your first conversation with him was in '21 was it? A Yes, sir.
Q What time in '21? A September.
Q You were then an applicant for citizenship? A Yes, sir.
Q Were you admitted? A No, sir.
Q You are still an applicant? A No, sir.
Q You are still working to get in as a citizen of the Cherokee Nation? A No, sir; haven't quit it entirely.
Q What business are you in now? A I am running a dairy in Vinita.
Q When did you make these statements now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.
Q How did they ever know that you had had these conversations with Mr. Dawson? A I don't know.
Q You don't know how they found that out? A No, sir.
Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.
Q Now, did you approach him or did he approach you? A He approached me.
Q You know why? A No, sir; I suppose somebody I have told something at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have saw Mr. Hastings for years.
Q Now, you say—now was that expression about his giving Dr. Baker three or four drinks of liquor? A He said the old man; he said that Dr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he did or not; he said he was 85 or 90 years old; he said he didn't know straight up; said he could give him three or four drinks of Arkansas whiskey and he would not know black or white.
Q Now, he said that did he? A Yes, sir.
Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.
Q You say you next saw Dawson at Vinita? A Yes, sir.
Q How long afterwards was that? A About two years, I think something near that.
Q Did he move to the Territory? A Yes, sir he lived at Vinita at one time.

Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I sent the others to the country.
Q Do you run a dairy wagon there? A No, sir.
Q You serve on the jury a good deal? A I have been serving on the Petit jury there this winter.
Q Generally? No, sir.
Q Are you a kind of a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel and served.

C. G. BRAUGHT, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A C. G. Braught.
Q What is your age? A 62 29th day of last January.
Q What is your post office? A Fairland.
Q How long have you been living in the neighborhood of Fairland?
A Been living there 19 years.
Q Do you know one Bud Dawson or F. H. Dawson as his name is?
A I do.
Q How long have you known him? A About 18 years.
Q How close do you live from him? A Half a mile of him.
Q Does he still own that place? A I think he does.
Q Were you an applicant for citizenship along about '81 or '2 at Tahlequah? A Yes, sir.
Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.
Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the time that you had these conversations as near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to put up; he said it cost him $700 to get in; he said he paid one witness three hundred dollars.
Q Did he state the name of that witness? A No, he did not.
Q Whom did he say he made arrangements with? A He said he made arrangements with the Court; that is, heads of families to get them in at one hundred dollars apiece.
Q Do you know what time of the year tht was, whether it was in the summer or not? A I think it was in June.
Q Did he make any other statements to you at any other time?
A No, sir, I don't think he has in regards to that matter.
Q You have been living neighbors with him? A Yes, sir.

MR. WORTHINGTON:

Q You say this was about June of '83? A I think it was in June, 1883, I won't be positive whether it was June or not.
Q You were an applicant; were you admitted? A No, sir.
Q Have you been admitted? A No, sir.
Q You are still an applicant? A Yes, sir.
Q Still trying to get in? A Yes, sir.
Q Where was this conversation had? A Had at Bud Dawson's house.
Q What part of the premises? that is, in his residence?
A Yes, sir.
Q In the house? A Yes, sir.
Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.
Q How many rooms? A I won't be positive but I don't think there was but one room, log house.
Q Just one room? A Yes, sir.

Q And in that room he made this statement to you? A Yes, sir.
Q He and you are enemies are you not? A No, I don't think we are enemies.
Q You are not friendly at all? A Friendly part of the time, and part of the time we ain't.
Q Haven't you had considerable trouble about the lands between your farms? A No, sir; we ain't had any trouble.
Q Didn't you have his little boy arrested recently for a difficulty? A Yes, sir.
Q And you say that you are not on bad terms with him? A Why we speak, have conversation, have right right along all the time.
Q Is it not a fact now that you and he have been all the while at outs? A No, sir.
Q You don't have any unkind feeling towards him? A No, sir.
Q What were your other remarks? A I said no, sir, I didn't have any unkind feeling towards him.

(It being 5 o'clock, the Commission adjourns until 8:30 o'clock to-morrow morning.)

March 19, 1902.
Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of Counsel for Applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. G. BRAUGH, re-called, further testified:

MR. McKENNON:

Q Mr. Braught, you were a claimant under the Watts family are you not? A Yes, sir.
(witness excused.)

CHARLES D. KENNEY, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Charles D. Kenney.
Q What is your post office? A Dawson now.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; supposed to be.
Q Recognized as such are you? A Yes, sir.
Q How old are you? A There is no family record, my parents died when I was young, I just guess at my age, I am somewheres between 44 and 45 years old.
Q Were you personally acquainted with one Elbert or Buck Dawson? A I knew Buck Dawson when I saw him.
Q Did you know him in the state of Texas, if so state what time? A I knew Buck Dawson, knew him and saw him at different dates in Texas.
Q Well, in the year '81 in Clay County, Texas, did you ever see him? A It was in '81 or 82, I think I know him in both years.
Q Did you ever have any conversation with him in the presence of Bill Smith, Jiles Pippin and Joe Preston about his application for citizenship in the Cherokee Nation? A Mr. Dawson and Pippins were talking in regard to grass down there befo e re one time and

it was mentioned, I was going up on the strip and Buck Dawson says "he an Indian" And Jiles said "yes, he is an Indian", and "By God," I believe is the way he spoke, "if I was an Indian I would not be punching cattle, I would have stock eating by grass."
Q What did he say about making application? A He said he was going to the Chickasaw Nation and prove up and get him some grass.
Q Who was that? A Buck Dawson.
Q Well, did anybody suggest about his going to the Cherokee Nation?
A Yes, sir, I told him, I says "why don't you go to the Cherokee Nation, why don't you go up home" I believe is the way I spoke it, "up amongst God's people," and he says "are they all white like you?" and Jiles spoke up and says "majority of them."
Q Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow punchers, and Mr. Filspin says "Hell, I am going; brother John is getting ready to go now."
Q Well, then what did he say to you? A He says "Who are your best lawyers up there, Kenney," and I told him "Hooley Bell was counted the brainiest man in our country."
Q Well, do you know whether he claimed to have any Indian blood or what he was claiming in that country, whether white man or Indian?
A No, sir, I could not say what he was; he was generally known down there as Buck Dawson, a citizen of the State of Texas, that is all I know of him.

Mr. McKennon: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKennon:
Q Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Bass County, Texas. B. W. Alberty was my Guardian.
Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date.
Q About what time? A It was sometime in '80 though.
Q What tribunal first? A I don't know; I don't know either when I was admitted, I was re-instated at Council.
Q When? A I think it was in '87 or '88.
Q Haven't you been arrested for crime and charged with crime?
A Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande.
Q For what offense? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road.
MR. HASTINGS, of Counsel for Cherokee Nation:
Q Were you ever convicted? A No, sir.
Mr. McKennon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. BABBART, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name, please? A Thomas B. Babbart.
Q What is your post office? A Melvin.
Q What is your age? A 45.
Q Are you a Cherokee by blood? A Yes, sir.

Q Did you know one James Dawson? A Well, yes; I did; I have seen him time or two.
Q Were you in Tahlequah about the time he had an application before the Spears or Snake Puppy Citizenship Court? A Yes, sir; I was there about the time the case was settled.
Q Did you know Aaron Butler? A Yes, sir.
Q Who was he? A He was a Cherokee Interpreter for the Court.
Q Do you know James Smith? A Yes, sir.
Q Who was he? A He was the Nation's attorney before the Court.
Q Well, did you about that time have a conversation with either Aaron Butler of Jim Smith in company with Mr. James Dawson? A Yes.
Q State the full particulars of it? A About that time this man Dawson and Butler come to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.
Q Well, did he say anything about whether he could get his case submitted if he had some money? A Well, from the language to me and Butler, he wanted this money, Smith had agreed to submit the case without further evidence in the matter.
Q Well, did you let him have the ten dollars? A Yes, sir.
Q Where did they go then? A They walked off up towards town.
Q Did they go together, those three? A Yes, sir.

MR. McKENNON:

Q Was that James Dawson, the leading applicant in that case?
A Yes, best of my recollection that was.
Q How old a man was he? A I don't know; I could not tell you; he looked, I don't know, he might have been--could not tell you just about how old he was.
Q Well, about how old was he, 35, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.
Q Is he living or dead? A I don't know.
Q Where have you been living? A I have been living down here near Tahlequah.
Q What was the man's name, Dawson's name? A Jim Dawson I think.
Q You are certain of that? A Yes, sir; I am pretty certain.
Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.
Q Dawson took you off to one side? A Butler took me to where Dawson was and introduced me to Dawson and vouched for Dawson being all right for the money.
Q When did you first make a statement of this matter to anybody?
A I guess--I don't remember when.
Q How long have you been in Muskogee this time?
A I have been here since, I was summoned here last Friday.
Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.
Q When? A Oh, about, [illegible] been about two years ago, and Butler was talking to me about it; it was at my house.
Q Were you born a citizen? A Yes, sir.
Q You weren't admitted to citizenship by the Courts or Council?
A No, sir.
Q You have been living in the Cherokee Nation all your life?
A Well, I was born and raised here; I haven't been here all the time; I have been out and in.

Q You have never seen that ray Dawson since? A If I have I have never known it, but I seen him the next day.
Q You saw him and took a good look at him, and know about what kind of man he was? A Saw him around there about several times.
Q You think he was about 35 or 40 years old? A That would be my guess at it, my recollection.

Mr. McKennon: Applicants object to the testimony of this witness, all of it, because it is wholly incompetent and irrelevant.

DELIA A. BREWER, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your full name? A My husband's name was G. P. Brewer, but generally I sign my name Mrs. D. A. Brewer.
Q What was your full maiden name? A Delia A. Vann; well it was really Delilah but I never was called by that name, it was Do altogether in my young days.
Q What was your father's name? A His name was Joseph Vann.
Q Was he called by any nicknames and if so how many, and what?
A None but the Cherokees, the full-bloods called him Joe Aney.
Q What does that name mean when you talk English? A Rich Joe.
Q Did any of them call him Big Joe Vann? A I don't know; he was a large man; larger than the other Joe Vann.
Q There was another Joe Vann? A Yes, sir.
Q Did your father have any sisters and brothers? A He had quite a number of sisters.
Q Did he have a half sister? A Had two half brothers.
Q Did he have a half sister? A Had several half sisters.
Q Who did they marry? A Different persons; I knew the names of all of them but I have a bad memory, but I know that there was one, a Mrs. Ibbie Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.
Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.
Q Never had any Rogers kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.
Q The Dawson case was talked of here for many years, they claiming kin?
A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that my family was prominent enough that they never claimed kin.
Q They never claimed kin at all? A No, sir.
Q Did your father ever had a sister or half sister by the name of Annie, Anna or Alsey? A No, sir.

Mr. McKennon: Applicants object to all the testimony of this witness because it is incompetent and irrelevant.

SAMUEL TOLLIVER DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Samuel Tolliver Dawson.

Q What relationare you to the Dawsons? A Well, I am not acquainted with none of these Dawsons, I guess I am cousin, that is what he told me.
Q Who was your father? A Samuel Riley Dawson.
Q What did you say your father's name was? A Kile Dawson.
Q Do you know what his full name was? A Samuel Riley Dawson.
Q What children had your father? A Why, he has got, you mean his first children or his whole family?
Q I want all of his children? A I don't know, I will have to count a while on them, there was nine or ten of them.
Q Just one or two of them I care for; is Mrs. Lewis your sister?
A Yes, sir.
Q Your full sister? A Yes, sir.
Q Was she a daughter of S. R. Dawson, Jr.? A Yes, sir.
Q Now who were the parents of your father, , Samuel Dawson?
A Why Sam Dawson was his father.
Q Sam Dawson was his father? A Yes, sir.
Q What was Sam Dawson's wife, if you know their family history, what your father said or what your grandfather said? A I have heard that she was a Pruitt, my father said; of course I don't know.
Q What was her given name? A Annie.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q Saw him? A Yes, sir.
Q Do you know about how old he was when he died? A He was somewhere up about 90.
Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.
Q Was your father his youngest child? A Yes, sir.
Q Do you know about when your father was born? A Well, no, I don't, he died in '90 and he was 67 years old.
Q He died in about '90 and was about 67 years old when he died?
A Yes, sir.
Q And he was the youngest child? A Yes, sir.
Q Now, do you know how many children your grandfather had , that is brothers and sisters of your father? A I heard him say seven.
Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?
A Well, I heard my father speak about it, I don't know that I ever heard my grandmother say anything about it.
Q Well, what did he say about it? A I have heard him say his mother was not an Indian.
Q Did you fathercome here and apply once for citizenship?
A Yes, sir.
Q Was he admitted? A I think not.
Q Did you hear him make any statements about he ground he expected to get in? A He said his brothers had proved their rights here and if his brothers had any rights he did, but I don't know.
Q Well, in that connection didhe say whether his mother was an Indian or white woman? A Never heard him say that his mother was a white woman in speakin; about that, I don't know whether he said anything about that or not; I have heard him say his mother wasn't no Indian.

Mr. McKennon: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

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(Taking of testimony continued by Stenographer M. D. Green)

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

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(Continued from testimony taken by Steno. J. O. Rosson.)

March 10th, 1902, at Muskogee, I. T.

Appearances:

Mr. A. S. McKennon and Mr. Mellette, attorneys for the applicants.

Mr. T. T. Hutchings, and Mr. W. W. Hastings, attorneys for the Cherokee Nation.

EMMA BRASHIERS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS:

Q State your name? A Emma Brashiers.
Q What was your maiden name? A Emma Dawson.
Q What was your father's name? A Samuel Riley Dawson.
Q What was his father's name? A Samuel.
Q What was your grandmother's name? So far as you know from family history? A Her maiden name was Annie Pruett.
Q Then your father, if I understand you, was the son of Samuel Dawson and Annie Dawson, nee Pruett? A Yes, sir.
Q Did your father have a brother named Robert, and a brother named James? A Yes, sir! that is what I was told.
Q And had a sister named Mrs. Petty? A Yes, sir.
Q And another one named Mrs. McGee? A Yes, sir.
Q And another brother named John? A Yes, sir.
Q What relation are you to Mrs. A. S. Lewis? A Sister.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q You have a distinct recollection of him? A I, yes, I can remember him, but I was small.
Q About how old were you you suppose when your grandfather died? A About 8.
Q Was your father's birth recorded in the family Bible? A Yes, sir.
Q You know whether your grandfather's record of marriages and deaths were recorded in any Bible or not? A I was, but we haven't it.
Q What became of it? A Got burned.
Q Well, about what year do you remember that your father, Samuel Dawson was born? A I believe it was '23.
Q In 1823? A Yes, sir.
Q And how old was he when he died, if you recollect? A He was between 64 and 67.
Q Did you ever hear your father speak of his relations, his father and mother, as to whether they were white people or Indians? A Yes, sir, they were white people.

Q. You knew whether in the family you grandfather was spoken of by the name of Annie, always? A. Yes, sir.

BY MR. McKENNON: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

ALEX S. LEWIS, being first duly sworn and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A Alex S. Lewis.
Q What is your post-office? A Dawson, Indian Territory.
Q How old are? A 39 years.
Q What was your wife's maiden name? A Elizabeth Faralee Dawson.
Q Who was your wife's father and mother? A Her father was Samuel R. Dawson and her mother was the wife of Samuel R. Dawson, did you want her maiden name?
Q Well, if you know the maiden name of your wife's mother, state how you know it? A Well she was called Margarett, Margarett Queen was her maiden name.
Q The maiden name now of your wife's father's mother? A Why the maiden name of my wife's father's mother?
Q Yes, sir? A From what her husband and my father-in-law told me it was Annie Pruett.
Q What was the name of your wife's father's father? A My wife's grandfather on her father's side, Samuel Dawson.
Q And his wife's maiden name was Annie Pruett? A Yes, sir.
Q Did you know the old gentleman, Samuel Dawson, you wife's grandfather? A Yes, sir.
Q Personally? A Yes, sir.
Q What opportunities had you to get acquainted with him? A He lived with his youngest son, my father-in-law, and visited us, my wife and I, after we were married, stayed with us quite a while; I lived near my father-in-law and we visited very often.
Q When did he die? A '74.
Q Have you any particular method of recalling that date? A Well, I was away from the house when he was taken sick, and they sent for my wife and myself, and so when I got home my wife had gone to her father's to see her grandfather, he was sick, and I remember my first wife was a baby at that time.
Q And when was your first child born? A He was born December, '73.
Q You know how old you wife's father was when he died? A Why he was up in 60, but I don't remember his age.
Q Did the old original Samuel Dawson ever tell you his age? A Yes, sir, several times.
Q How old was he at the time of his death? A He was passed 94.
Q Did he ever tell you whether or not his wife Annie Pruett had any sister or brother? A Told me she only had one brother named Bob Pruett.
Q Have any of the members of the family named their children after him? A Make it a little plain, it is a little long; my wife's oldest brother was a particular favorite of his grandfather, and he always took this boy with him everywhere, and he has named one of his,- oldest child for this brother-in-law who was a particular favorite of his grandfather; named it for him I understood.
Q Now, what is his name? A Of course I don't know why he named it, but he gave him the name of Robert Pruett, and I understand it was on account of his grandfather thinking so much of Robert Pruett.
Q Did you ever hear the old Samuel Dawson speak of his brother-in-law? A Yes, sir; I have heard him say that he wished he knew what had become of Bob Pruett, he never had heard of him for a long

time; didn't know where he was, or whether he was alive or not.
Q Now, I want the children of Samuel Dawson and Annie Pruett, how many of them did you know, first? A How many did I know personally?
Q Yes, sir? A John James, and Samuel R. Those were the only ones of his children that I remember personally.
Q Well, remember what you know of the family, what other children did he have? A Well he had two girls, as I understand the family history, he had two girls, first, and John Dawson was the third child, and the oldest boy was John Dawson.
Q Was John Dawson the oldest boy? A Yes, sir.
Q Which was the oldest girl? What is she known by now? A I think it was Mrs. Petty, nee Bettie Dawson.
Q And John Dawson was the oldest boy? A Yes, sir.
Q And Samuel R. Dawson was the youngest boy? A Yes, sir.
Q You know anything about the time John Dawson was born, have you any way of seeing at it, the oldest boy? A Yes, sir, I know what the oldest son and his wife told me.
Q What was that? A They said he was born in 1811.
Q Who was his oldest son? A Toliver M. Dawson; told me his father was born in 1811.
Q Do you remember now whether the old man had occasion to say whether his wife, Annie Pruett was an Indian or white woman, or ever said anything about it? A I know what the old man said that she was, I don't know that I ever heard the question approached in that way, I have heard him speak as to her blood, but it was in a different way that he reached it.
Q What blood did he say she was? A Well he said that she was the daughter of Mrs. Pruett, a white woman; and that her father was Captain John Rogers, a white man who lived with the Cherokee Indians, and traded with them.
Q Did he say who Captain John Rogers afterwards married? A Said he had a wife in the Cherokee Nation.
Q But that Annie Pruett was not her child? A No, sir, she was the child of Mrs. Pruett.
Q A white woman? A Yes, sir, that was the half sister of Bob Pruett.

BY MR. McKENNON:

Applicants object to all of the testimony of this witness, because it is wholly incompetent and irrelevant.

Q Did ever you apply for citizenship here? A Yes, sir; for my wife.
Q When? A My father-in-law made the application, I don't know exactly when it was, I think probably about '86, I couldn't say as to the date.
Q Before the Cherokee authorities? A Yes, sir.
Q Did he file an application before the Dawes Commission in 1896 also? A Him.
Q Yes, sir? A I don't think he did, no sir.
Q Did you? A I did.
Q On account of your wife? A Yes, sir.
Q Did you make affidavit to that application? A No, sir,
Q Who did? A I don't know, don't remember now.
Q You applied for your wife as an Indian by blood did you not? A Yes, sir.
Q Are you still an applicant? A No, sir.
Q Is she? A No, sir.
Q She was denied was she? A Yes, sir.
Q Was there an appeal taken from that? A Application was filed if I remember, before the Dawes Commission, and they rejected the case, and then I appealed it to the District Court, and it was rejected there and then I stopped.

Q Have you ever been arrested for any crime? A Yes, sir.
Q What? A Charge of murder.
Q Anything else? A No, sir.
Q Committed on the train? A Yes, sir.
Q In a train robbery? A Yes, sir, in a train robbery.
Q How long did you remain in jail? A Appealed the case to the Supreme Court, and it was reversed and sent back, and I was acquitted on that charge.
Q That all the crime you were ever charged with? A Yes, sir.
Q Haven't you been having some trouble with the Dawson family?
A Well me personally I have no trouble with any of them, there is one of my boys and one of W. A. Dawson's sons-in-law had some trouble.
Q You are not friendly with the Dawson family? A That son-in-law Mr. Wooley, and myself, don't speak, and I don't think his wife speaks to me either.
Q Well you are claiming some sort of lease on the Wooley farm, aren't you? A No, sir, I don't claim any lease on the Wooley farm.

B. W. ALBERTY, being first duly sworn, and being examined, testified as follows:
BY MR. HUTCHINGS:
Q State your name? A B. W. Alberty.
Q What is your post-office? A Tahlequah.
Q What is your present official position in the Cherokee Nation?
A Assistant Executive Secretary of the Cherokee Nation.
Q As such have you charge of the citizenship records and books etc. of the Nation? A Yes, sir.
Q Have you made search recently for the original records in the various cases of the Dawson family before citizenship courts in Council? A Yes, sir.
Q Have you got what records you found with you? A I find what's supposed to be the original papers in the case, all that I could find. (Produces papers and hands to Nation's attorney.)
Q Where did you find those papers? A I found them in the desk in which papers of that character are filed away in the Executive Office at Tahlequah. (Applicant's attorneys examine papers produced by witness.)
BY MR. HUTCHINGS: The Nation here introduces in evidence an envelope marked No. 108, the names on the back of it are Robert, Elbert, Jasper, John, Frances, Marion, Josephine, Joseph, Jane, Mollie, Wilburn, James, Rial Dawson, versus the Cherokee Nation; the envelope and its contents.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced by the Cherokee Nation is indorsed as follows:
"No.108, Rob. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilburn Dawson, James Dawson, Real Dawson, vs Cherokee Nation, Petition for Citizenship, filed Sept. 24, 1881. Admitted Jan 11th, 1883, D. W. C. Duncan, Clerk."
In pencil: "Robt Dawson."

The said envelope contains a document as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19th, 1883.

No. 108 Robert Dawson, et al.
vs.
Cherokee Nation.

Testimony for Claimants.

Witness:

Dr. Baker sworn testified as follows. My name is Arthur Baker I reside at Berryvill, Arkansas, Carroll County, my age is 73 years, I am not a Cherokee, I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County some thirty five years (line drawn through the last three words,) 35 years at my mother's house near Calhoun I became acquainted with the claimants Robt Dawsons grandmother on mother's side, she was frequently at my mother's house; though she Anna Pruit lived in the Nation side. She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee; the first time she brought the claimant's mother to my mother's house she the claimant's mother was about grown, when I was a lit le boy she called her daughter Polly Rogers said Capt. John Rogers who ran a boat up the river was the father of the child; I saw the girl frequently there at my mother's and there at Louis Rannes Store I saw her occasionally until I was 15 or 16 years old and I think then Old Capt John Rogers took her off to school. I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of Old Samuel Dawson. I stayed all night there and we and I had a talk over our old matters, and I asked her when she became acquainted with Dawson and she said at the time she was going to school. And she said after she left school that Dawson followed her home to the Nation and they were there married, I have told that precisely in the words she used.

Capt John Rogers claimed to be one fourth Cherokee, the claimant is the son of Polly Rogers and I know Polly Rogers to be the daughter of Anna Pruet, and I know the claimant to be the son of Polly Dawson Capt Rogers then resided in the Cherokee Country about twelve miles from Calhoun on the Hiawassa River.

Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawsons when I got acquainted with them Arkansas were recognized where they were as Cherokees, Robt Dawsons children is Buck, John, Marion, and two girls; the children named in the petition I recognize as being the claimants.

Question by Solicitor:
Ques. 1 How many children did Polly Rogers have?
Ans. 1 Five, I think that's all.
Ques. 2 Did you any something about someone being married twice?
Ans. 2 The claimant was married twice.
Ques. 3 Could Anna Pruet speak Cherokee?
Ans. 3 Yes she could speak it well
Ques. 4 Did Polly Rogers speak Cherokee?
Ans. 4 She could when she was young.
Ques. 5 How far do you live from Anna Pruet?
Ans. 5 Just across the river about 3/4 of a mile.
Ques. 6 Was Calhoun in the Cherokee Nation?
Ans.6 It was on both sides of the river Part in the Nation and part out in the State.

Ques. 7 Which Marriage was it went to Texas?
Ans. 7 George went first then John went they were the sons of old man Marriage that lived up here near the line.
Ques. 8 Did the claimant go to Texas?
Ans. 8 No the claimant didn't go to Texas.
Ques. 9 What connection was claimant and Polly Rogers?
Ans. 9 The claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.
Ques. 10 Where does claimant now live?
Ans. 10 He lives in Carroll County, Arkansas.
Ques. 11 Do you know what relation old Captain John Rogers was to Charlotte Rogers here in Coosewaccoogee?
Ans. 11 They claimed kin but what kin I don't know there were two Capt. John Rogers' in the Nation I am speaking of the time when I first came to this 1830 country about the year 1830.
Ques. 12 Was Anna Pruet the maiden name of Claimant's grandmother
Ans. 12 Yes that was her maiden name the Indians called her Sinee.

his
(signed) Arthur. A. x Baker.
mark

Witness' hand paralysed is the reason he signs by a mark thus "x". " "

The above document is indorsed on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case, Robt," Decided by the Tehee Court in 1883. A. Riley Dawsons Step daughter a white woman married a white man, named August Bilaska."

BY MR. HUTCHINGS: We Burth r introduce envelope N. 131, of E. Dawson for his grand-children, versus the Cherokee Nation, and its contents, to-wit: The Petition and affidavit of F. M. Dawson, and the testimony of Joseph Dawson.
(Hands papers referred to to applicant's attorneys.)

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced is endorsed as follows:
"No.131. E. Dawson vs the Cherokee Nation. For his grand children. Petition for citizenship. Filed Sept. 14th, 1883, D. W. C. Duncan, Clerk of Com. Decided Sept.13, to be Cherokees.

The contents of said envelope are as follows:

"Office of Commission on Citizenship.
Tahlequah, Cherokee Nation, Sept. 14, 1883.
E. Dawson,
No.131, vs for his grand children,-
Lulu Dauthett,
Dallas Dauthett,
F. M. Dawson for Claimant introduced sworn and in open Court testified as follows:
My name is F. M. Dawson. Am a Cherokee by blood reside in the Cherokee Nation am 30 (40 written over it) years old.

I saw the Claimants, Lulu Dauthet and Dallas Dauthet in Vinita, and know them to be the grandchildren of my brother E. Dawson who is a recognized Cherokee by blood. L. M. Dauthet, the father of the Claimants, Lulu and Dallas is a white man Dauthet's wife the mother of Lulu and Dallas was a Cherokee, the daughter of my brother E. Dawson. She is now dead. The oldest of these applicants is about 9 years old. I have known them about 8 years. These children is now living with their father. One is a girl and the other is a boy. I and been acquainted with her mother all her life. If she had been now living she would have been about 25 years old -- She has been dead about 4 years as well as I can recollect, She was about 17 yo rs old when she was married.

his
(signed) F. M. x Dawson,
Mark

Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, Sept. 14, 1903.
No.181 E. Dawson
for his grand children
Lulu Dauthett
Dallas Dauthett

Joseph Dawson introduced for Claimants, sworn in open Court testified as follows:

Jos. Dawson, am a Cherokee live in the Cherokee Nation, am 31 years old.

Lulu Dauthett and Dallas Dauthett, the Claimants are Cherokees. Fannie Dawson was their mother. Fannie Dawson was a Cherokee, that is what I was always told. Her father was E. Dawson. E. Dawson was my brother. Mrs. Dauthett is not living now: the last time I saw Lula, and Dallas Dauthett, they were in Texas. But I have heard since that they are in the Cherokee Nation. E. Dawson recognizes them as his grandchildren and I have known them ever since they were born.

By Solicitor:

Lula is about 10 years old. The Dallas is about 5 or 6 years old. I heard that their father is now at Vinita Cherokee Nation, E. Dawson is Elbert Dawson. The applicants' mother has been dead about three or four years. She died at Hillsboro, Texas.

I was not present when their mother and E. Dawson had eight children to the best of my recollection, or 9. Fannie, Francis, Catherine, Zunie, Rob, Smith, Forsh, Bert, Ella. All living but two, Fannie and Smith. They are all living in Texas when I left there. I am a brother to F. M. Dawson, we are full brothers. My father has been admitted to Cherokee Citizenship by this Court.

his
(signed) Joseph x Dawson,
Mark

To the Commission o Citizenship,
Tahlequah, C. N. Sept. 12, 1903.
E. Dawson for Grandchildren,
Lulu Dauthett,
Dallas Dauthett,
vs
Cherokee Nation.

Now comes E. Dawson petitioning for the Cherokee rights of his grandchildren, Julu Dauthett & Dallas Dauthett, by virtue of their Cherokee blood, which was derived from the

Dawson family, who is acknowledged Cherokees by admission of your Hon. Court, at its last session in January, 1893, in view of the facts will you kindly give a speedy and favorable consideration of our claims.

(signed) S. Dawson for grand children,
By C. H. Taylor."

This last document is indorsed on back as follows: "No. 181, Petition of Eula, Davenport & Dallas Dorthitt, for Citizenship Filed Sept 16, 1893. E. W. C. Duncan, Clerk."

BY MR. HUTCHINGS: Now we desire to introduce the judgment in the case of S. R. Dawson, and others, of the Commission on Citizenship, found on page 20, of Record Book B, of the Citizenship cases in the Cherokee Nation, said book having been turned over to and now in the custody of the Commission; the judgment being dated April 26th, 1889.

BY MR. McKENNON: To the introduction of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

Record above introduced is as follows:

"Office of Commission on Citizenship,
Tahlequah, C. N. August 11th, 1887.

Docket No.	Names,	Age	Sex	Post Office,	Attorney
	1 S. R. Dawson,	68		Catoosa,	
	2 Parlee Dawson,	44	female		
307	3 America J. Dawson,	35	"		
	4 Katharine J. Dawson,	33	"		
	5 J. C. Dawson,	31	male		Bell &
	6 Eliza F. Dawson,	29	"	Applicant for	Bryant.
	7 Toliver Dawson,	27	"	Cherokee Nation.	
	8 Ewa Dawson,	20	female		
	9 Fanny Dawson,	18	"		
	10 John Riley Dawson,	11	male	R.	
	11 Robert E. Dawson,	9	"		
	12 Claud Dawson,	7		Ancestor	
	12 Cleveland Dawson,	5		John Rogers	

filed August 11th, 1887."

In red ink written along Age column is the following: "Rejected April 26, 1889."

"Now this day comes the above cause for final hearing, Samuel R. Dawson, bases his application for readmission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the alleged daughter of Captain John Rogers and Chilsey Pruitt, said to be a half sister of Joseph Vann, commonly known as Rich and who were of Cherokee blood. It is admitted that John Rogers and Chilsey Pruitt died before the said act upon their names would appear if living at the time and practically under the 7th section of the Act of December 8th, 1835, creating the Commission on Citizenship, were made but in support of the application. It is urged that certain members of the Dawson family and full brothers of the applicant were re-admitted to citizenship by the commission on citizenship commonly known as

"the Tahlo Court", and the "Supreme Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the foundation upon which determined the decision of the Commission of the evidence not introduced to authorize the admission of the present application is not relivent to the issue now pending. The 7th section of the Act of December 8th, 1886, before named provides, that "the Commission shall give a hearing to any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States." As are hereafter enumerated, neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either, said Roll the Commission adjudge and decree that (Sarge) E. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokees by blood." This opinion including the cases of Andrew J. Dawson, James K. P. Dawson, Jounnah Dawson nee Jounnah Dawson and Jane Queen, nee Jane Dawson, and their families, as enumerated in their respecti e applic ti ns.

(signed) Will P. Ross,
Chairman.

This April 20th, 1889.
(signed) D. L. Williams,
Cl'k Com'n.

(signed) R. Bunch, Commissioner,
John E. Gunter, Com'nr.

BY MR. HUTCHINGS: The Nation now introduces the envelope in the case of James K. P. Dawson, and the contents, being the original testimony in the case of E. Dawson; also the judgment in said case, found on page 116, in book C., containing the records of the Citizenship Commission of the Cherokee Nation, the date of said judgment being April 26th, 1889; this book being also in the custody of this Commission.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope above introduced is indorsed on back as follows:

"Name, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - Years, - - Roll of 1835, Ancestor, Riley Dawson, filed the 6 day of Oct. 1887, Docket 989, Book C Page 116, Testimony on Journal - - Page - - - Decision of Commission Refected 26 day of April 1889
Rejected."

The contents of said envelope are as follows:

"A. J. Dawson, et al., (vs) Cherokee Nation. } Office Com. On Citizenship, Tahlequah, I. T. Sept. 27th, 1888.

E. Dawson, who being duly sworn, upon his oath, deposes and says as follows, to-wit;

I am a citizen of the Cherokee Nation and reside in Cowesscowee Dist. and am 53 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I have known him personally about three (3) years. He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a realtion of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee River in Tenn. I think he had four (4) children. I never saw any of them but Andrew J. Dawson, and Jim Dawson.

-Cross Ex.-

Joe Dawson has been dead about 35 yeanrs he lived west of the Mississippi River, I understand. My father had four brothers. I don't know how long Joe Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of my Uncle Joe Dawson, is from what he himself has told me, - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me- My grandfather being a Dawson and a white man.

Attest

Connell Rogers,
Clk. Com. on Citizenship."

This document is indorsed on back as follows:
"Testimony of E. Dawson in case A. J. Dawson."

The judgment above introduced, and found on page 116 of Book C of the Dockets of Cherokee Citizenship Commission, is as follows:

"James K. P. Dawson,
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind, Ter., Oct. 5, 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	James K. P. Dawson,-		Male		
2	William A. Dawson,				
3	Richard A. Dawson,				

909

C. H. Taylor.

vs.

Applicant for
Cherokee Citizenship,
Census Rolls 1835
Ancestor,
Riley Dawson.

Cherokee Nation. "

In red ink along age column are the words: "Rejected April 20, 1889."

- - - - - - - - - - - - -

"Adverse to Claimant.
See decision in this case in that of S. R. Dawson in Book (B) Page 20.
This April 20, 1889.
D. S. Williams,
Clk Com.

Will P. Ross,
Chairman.
J. E. Carter, Com."

BY MR. HUTCHINGS:

The Nation desires to introduce the original envelope and its contents in the case 196, of Rebecca Dawson, being the application and judgment in the case, also the judgment as copied into the record, Book C, on page 144, the date of said judgment being August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope just introduced is indorsed on the back as follows:

"196, 1, Name Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address Emmet, I. T., Age 48 years, 1835, to 1852, Roll of 18-- Ancestor Maton, Filed the 5 day of Oct 1887, Docket 1017 Book C Page 144, Testimony on Journal- Page - - Decision of Commission, Rejected 28 day of August 1889. Submitted by Mr. Rasmus, Aug. 28, 1889." B"

The contents of said envelope are as follows:

"APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship:
Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Consittution, and with an act of the National Council approved December 8th, 1886, creating your Commission, And respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Maton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds for this application for Cherokee citizenship by blood, and respectfully awaits the time when Application shall be truly heard and tried in accordance with he aforesaid law.

Age, 48 years; Postoffice, Emmett, Chic. Na. family with their relationship attached is as follows:

No Name Sex Age Relationship.

In witness of which application I hereto set my hand on this the 4- day of October 1887.

(signed) Rebecca Dawson,
Boudinot & Rasmus,
Attorneys."

- - - - - - - - - - - -

"COMMISSION ON CITIZENSHIP.
Cherokee Nation, Ind, Ter.
Tahlequah, August 28th, 1889.

Rebecca Dawson)
V. S.
Cherokee Nation.) The above case was called and submitted by

Ramus without evidence the Commission decide that Rebecca Dawson, age 48 yrs is not a Cherokee by blood & d are not entitled to citizenship in the CherokeeNation Post Office Emmet Ferne --- I. T.

(signed) WILL P. ROSS,
Chairman,
J. E. Gunter, Com."

- - - - - - - - -

The judgment found in Book C, Records of Commission on Citizenship, Cherokee Nation, page 144, is as follows:

"Rebecca Dawson.
OFFICE COMMISSION ON CITIZENSHIP.
Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No	Names	Age	Sex	Post Office	Attorney.
1	Rebecca Dawson	48	female	Emmett, I. T.	

1017

Boudinot & R.
Applicant for
Cherokee Citizenship.

Census Rolls, 1835,
to 1852.
Ancestor,
Moton.

V. S.
Cherokee Nation.

- - - - - - - - -

Office Commission Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug. 28th, 1889.

The above case was called and submitted by Attorney Ramus without evidence. The Commission decide that Rebecca Dawson, aged 48 years is not a Cherokee by blood and not entitled to Citizenship in the Cherokee Nation.

Attest:
E. C. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J.E. Gunter, Com."

BY MR. HUTCHINGS: The Nat on next introduces the original envelope and contents in the case 198, of Mary Dawson, the contents being the application for citizenship, and the judgmony as written up by the Court; also the judgment of the Court as copied in Book C, page 145,- said judgment being rendered August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced is indorsed on back as follows:

"198, R, Name, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Bowie, Texas, Aged 54, years, 1835 to 1852 Roll of 18- Ancestor, Moton, Filed the -- day of 9 18-- Docket 1018, Book C Page 145, Testimony on Journal-- Page-- Decision of Commission Rejected 28th day of August 1889. Submitted by Mr. Ramus, Aug. 28, 1889."

"APPLICATION FOR CITIZENSHIP".

To the Honorable Commission on Citizenship:
Gentlemen:- The undersigned, your petitioner, this day files this her Application for re-admission to citizenship in the Cherokee Nation in accordance with the Constitution, and with an Act of the National Council, approved December 8th, 1896, granting your Commission. And respectfully makes the following statement of the grounds of this her application, to-wit:

That Mary Dawson is the Grand Daughter of one Peter who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1875,-48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds of this her application for Cherokee Citizenship by blood, and respectfully asks the time when her Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 54, years; Postoffice, Bowie, Texas, family with their relationship attached is as follows:

No.	Name	Sex	Age	Relationship.
1	Walter Dawson	M	18	Son.

In witness of which application I hereunto set my hand on this the 4 day of October 1897.

Mary Dawson,

Boudinot & Reese,
Attorneys."

- - - - - - - - -

COMMISSION CITIZENSHIP,
Cherokee Nation, Ind. Ter.,
Tahlequah, August 20th, 1899.

Mary Dawson,)
vs) Application for Cherokee
The Cherokee Nation) Citizenship.

The above named case having been submitted by F. F. Reese, Attorney for claimant, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 18 yrs, are not of Cherokee blood, P. O. Bowie, Texas.

Will P. Ross,
Chairman,
J. B. Porter, Com."

- - - - - - - - -

Said envelope also contains the following:

APPLICATION FOR CITIZENSHIP
TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen:- The undersigned, your petitioner, this day files this his application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an act of the National Council, approved December 8th, 1896, granting your Commission. And, respectfully makes the following statement of the grounds of this his application, to-wit: That James W. P. Dawson is the son of one Riley Dawson who the undersigned firmly believes was duly enrolled upon the - - - Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1896, the undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee Citizenship by blood, and respectfully asks the time when his application shall be truly heard and tried

in accordance with the aforesaid law.
Age - - years; Post-office - - -; family with above relationship attached is as follows:

Names,	Sex	Age	Relationship.
Willie A. Dawson	male		Son.
Richard A. Dawson,	"		"

In witness of which application I accete set my hand on this the 4th day of Oct 1887.

(signed) James K. P. Dawson,

C. H. Taylor, Attorney."

- - - - - -

The judgment as recorded in Book D, page 145, of the records of the Cherokee Commission on Citizenship, is as follows:

"Mary Dawson,

Office of Commission Citizenship.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	Mary Dawson,	54	female	Bowie, Texas.	
2	Walter Dawson,	16	male		

Boudinot & B,
Applicant for
Cherokee Citizenship.

vs.

Cherokee Nation.

Census Rolls 1835 to 1852
Ancestor
- - - - - -

- - - - - -

Office Commission on Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug 30th, 1889.

The above case having been submitted by W. P. Ross, attorney for claimant, without evidence, the Commission decide that Mary Dawson aged 54 years, and her son Walter Dawson aged 16 years are not of Cherokee blood. Post office Bowie Texas.

Attest:

E. C. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J. J. Gunter, Com."

- - - - -

BY MR. MUTOHINSON: The Nation further introduces the original envelope in the case of Andrew J. Dawson, which said envelope contains his original application; also the judgment in that case recorded on page 33, of Book A, of the records of the Citizenship Commission of the Cherokee Nation, which said records are now in the custody of the Commission; the judgment is dated April 30th, 1880.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced above, is endorsed as follows:

"Name, Andrew J. Dawson, APPLICANT FOR INTERMARRIED CITIZENSHIP. Address, Nevada, Mo. Age 44 years, - - 1835, Roll of 1835, Ancestor, - - Filed the 11 day of February 1887, Docket 37 Book A, Page 38 Testimony on Journal - - Page, Decision of Commission, REjected, 26 day of April, 1889. Rejected."

The contents of said envelope are as follows:

"To the Commission on Citizenship.

Tahlequah, I. T.,
January 27, 1887.

	Age		
Andrew J. Dawson,	44	years	Male
E. E. Dawson,	16	"	"
Olive M. Dawson,	14	"	female
William H. Dawson,	11	"	Male
Jessy K. Dawson,	9	"	"
Glennie D. Dawson,	8	"	female.

V.S.
Cherokee Nation.

Know comes Andrew J. Dawson, and five children claiming his right to Cherokee Citizenship by virtue of his Cherokee blood, he being a cousin of E. Dawson and others of the same name admitted to Citizenship by the Tom Fehx Court on Citizenship, which is a matter of record, we submit that as proof of the Justness of his claim, his ancestors will be found on the roll of 1835.

Respectfully,
Post-office, (signed) A. J. Dawson &
Nevada, Mo. five children,
by C. M. Taylor,
Attorney."

" " " "

The judgment just introduced and found on page 38 of Book A, Records of Cherokee Commission on Citizenship, is as follows:

"Andrew J. Dawson,
Office Commission Citizenship,
Tahlequah, C. N., Feby 11, 1887.

Docket No Family	Name	Age	Sex		
1	Andrew J. Dawson,	44	Male	Nevada, Mo.	
2	E. E. Dawson,	16	"		
3	Olive M. Dawson,	14	Female		
4	William H. Dawson,	11	Male	Applicants for	
5	Jessie K. Dawson,	9	"	Cherokee Citizenship,	
6	Glennie D. Dawson,	8	female	C. M. Taylor.	

Roills 1835.

Rejected April 26, 1889, (red ink.)

V.S.
Cherokee Nation.

Filed Feby 11, 1897. Ancestors,

Adverse.

See decision in this case in that of L. R. Dawson, Book P.20, rendered April 26- 1889.
D. S. Williams,
Clk Com."

BY MR. HUTCHINGS: We next desire to introduce the records in the case of this same Andrew J. Dawson, before the Commission to the Five Civilized Tribes, filed September 7th, 1896, and the judgment of the Commission thereon. Number of said case being 4,694. And the judgment of said case on Page 294, Book B., Dawes Commission Record, 1898. Judgment was rendered November 17th, 1896, denying the application.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The records just introduced, being those filed before Dawes Commission, 1896, in Andrew J. Dawson, et al., are as follows:

Registry Receipt,
Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind Ter., Registered Letter, No. 409, Rec'd, of A. J. Dawson, addressed to S. H. Mayes, Tahlequah, I. T., (signed) D. A. Frayser, L.-P. M.

"Commission to the Five Civilized Tribes,
Vinita, Ind. Ter., Sept. 7, 1896.

See that you swear to your petition.

Evidence of service of copies of Chief or Governor may be secured as follows: If convenient get his receipt to file with your papers. If you cannot do this, register to him, and have some interested person to make affidavit in form about as follows:

I, S. M. Davidson, do solemnly swear that on the 7th day of September, 1896, I saw a package registered at the Post office at Vinita, Indian Territory, addressed to Hon. S. H. Mayes, Chief of the Cherokee Nation, Tahlequah, Ind. Ter., that registry receipt no.409, received from postmaster, hereto attached, is a receipt for said package, which contained true copies of the application of Andrew J. Dawson, and of the affidavits of E. Dawson and F. M. Dawson in support of same.
(signed) S. M. Davidson.

Subscribed and sworn to before me, on this 7th day of September, 1896.
(seal)
(signed) W. H. Kornegay,
Notary Public, First Judicial Division, of the Indian Territory.

Attach receipt to this affidavit and send with papers to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, as we understand that packages are not promptly receipted for by the Chiefs and Governors.

XXX _____ For the Commission."

- - -

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:-

The undersigned, your petitioner, Andrew J. Dawson. ~~William H. T. Dawson Jesse K. D.~~, (Line in ink drawn through these names) for and on behalf of Minnie E. P. Dawson, Olive Maud Dawson, William H. T. Dawson, Jesse K. Dawson, Glen Dale Dawson, James K. P. Dawson, William A. Dawson, Maggie E. Dawson, Richard A. Dawson and Mary E. Dawson and heirs, this day make their application to you for the purpose being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the funds and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokees Indians by blood, deriving the same from Captain John Rogers, Polly Rogers, Daughter of Captain John Rogers, married Samuel Dawson, whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the years 1817, 1818, 1819 and 1835 & 1838 the same to be submitted to your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his proof in support of said claim, and respectfully awaits the time when his application shall be heard and tried.

Respectfully submitted,
Andrew J. Dawson,

Enrollment of family, with relationship attached, as follows:

Names.	Ages.	Relationship.
Minnie E. P. Dawson,	25	Daughter,
Olive Maud Dawson,	23	daughter
William H. T. Dawson,	20	son,
Jesse K. Dawson,	18	son.
Glen Dale Dawson,	16	daughter.
James K. P. Dawson,	7	brother.
William A. Dawson,	18	Nephew.
Maggie E. Dawson,	6	Neice.
Richard A. Dawson,	17	Nephew.
Mary E. Dawson,	5	Neice.

IN WITNESS WHEREOF, I hereunto set my hand this Third day September 1896.

(signed) Andrew J. Dawson."

Jurat on back as follows:

United States of America,
Indian Territory,
Northern District.

Andrew J. Dawson, of lawful age, being duly sworn states that he knows the facts set forth in the above and foregoing application and that the same are true as he verily believes.

(signed) Andrew J. Dawson,

Subscribed and sworn to before me on this the 3rd day of Septeber 1896.

(signed) J. A. Tillotson,
Notary Public.

(Seal)
My Commission expires June 8th 1899.

- - - - - - -

Indian Territory,
Northern Judicial District } SS.

Andrew J. Dawson, of lawful age, being by me first duly sworn on oath says that he is 52 years old that his post office address is Afton, I. T. Affidavit further says that he is a citizen of the Cherokee Nation and a Cherokee Indian by blood deriving his Indian blood from Polly Rogers daughter of Captain John Rogers, that Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Hiwatnia river while erigrating to the west.

Affidavit further says that Samuel Dawson and Polly Rogers are his Grandfather and Grandmother and that Captain John Rogers was recognized by the National Council of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation of 1852 as follows: An act of the Council of 1842 page 68, an act of Nov. 17th 1843, page 96, also an act of Nov. 16 1849 page 204.

Affidavit further says that he is a blood relation of E. Dawson, F. M. Dawson, Joseph Dawson, and John Dawson who were admitted to citizenship by the Cherokee Nation and whose names appear upon the authenticated rolls of 1893.

(signed) Andrew J. Dawson.

Subscribed and sworn to before me this 3rd day of September A. D. 1896.

(signed) J. A. Tillotson,
Notary Public.

(Seal)
My Commission expires June 8th 1899.

Indian Territory,
Judicial Dist. } S.S.

F. M. Dawson, of lawful age, being by me first duly sworn on oath says that he is 54 years old; that his post office address is Afton, Indian Territory, Affidavit further says I have known Andrew J. Dawson for the past 10 years and have known him and recognized him as a Cherokee Indian and a cousin of mine, he claims to have originated from the family of Joe Dawson and he was a brother of Robert Dawson my father, and he being an offspring of Sam Dawson, who married Polly Rogers, a daughter of Captain John Rogers, who was a recognized Cherokee Indian.

(signed) F. M. his x Dawson mark

Subscribed and sworn to before me this the 4th day of Sept 1896."

(signed) Frank L. Sharp
Notary Public. (Seal)"

- - - - - - -

"Ind Ter
Northern Dist

This affidavit made this 4th day of Sept 1896 by E. Dawson of this Dist in the Cherokee Nation I have known A. J. Dawson 10 years and have known him and recognized him as a Cherokee Ind and a cousin of mine, he claims to originate from the family of Joe Dawson and he was a brother of Robert Dawson and being an offspring of Sam Dawson who was (line in ink drawn through word was)married Pollie Rogers a daughter of Captain John Rogers who was a recognized Cherokee Indian.

(signed) E. Dawson.

Subscribed and sworn to before me this 4th day of Sept 1896.

(signed) J. Barricklaw,
Notary Public,

My commission expires June 8, 1898.
(Seal)"

Indorsed on back: "No. 1509, A. J. Dawson vs Cherokee Nation Filed Sept 7-1896 A. S. McKennon, Com'r."

- - - - - - -

Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabaniss, A. B. Montgomery, Commissioners.
In the matter of the application of
Andrew J. Dawson, Nation's No.....
Commission's No.....
for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy.

2nd. That the application does not state facts sufficient if true, to show that the applicant . . . entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that John Rogers through whom the petitioner claims to derive right to citizenship in the Cherokee Nation, is not now, - . . and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory, as at present located and defined; that his name does not appear on any of the authenticated rolls of said nation; that neither nor any of his ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

See case Nation's No. 1573.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Mayes, Principal Chief Cherokee Nation.

B. Hutchings, Hastings & Boudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answers are true, to the best of his knowledge and belief.

(signed) John L. Adair,

Subscribed and sworn to before me this the 5 day of Oct 1896.

(signed) D. J. Ball,
Notary Public.

(Seal)"

Indorsed as follows: "Nation's No. 4679.
Commission's No. 4694, In re application of Andrew J. Dawson, DEMURRER AND ANSWER. Filed Oct 21 H. M. Jacoway, Sec."

The foregoing documents, comprising the 1896 papers as above set forth, are inclosed in envelope indorsed:

"No. 4694, Petition of Andrew J. Dawson, and heirs, Cherokee, 9-7-96. Rejected."

Which envelope is inclosed in jacket, marked "No.4694."

- - - - - - -

BY MR. HUTCHINGS: Now we desire to introduce the records in the case of Joanna Barber, et als., No. 1864, the United States Court number being 90, and the Nation desires to call especial attention to the testimony of F. C. Rogers and Sarah Carter as set forth in this case.

BY MR. McKENNON: To all of which applicants object, because it is wholly irrelevant, immaterial and incompetent.

Records in said case are as follows:

blood is shown by proof herewith filed.

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners authorized by an act of Congress of June 4, 1896, to hear and determine claims for Citizenship in the Cherokee Nation:

Gentlemen:- The undersigned, your petitioner, Joanah Barber, for and on behalf of himself and heirs, this day makes this their application to you for the purpose of being placed on the revised roll of Cherokee Indians and of those entitled to

share in the distribution of funds and allotments of land in Cherokee Nation, by virtue of their Cherokee blood, and I herewith submit the affidavits of E. Dawson, E. P. Dawson, W. A. Dawson & F. M. Dawson in support of said claim, and respectfully await the time when our application shall be heard and tried.

Respectfully submitted,
(signed) Joanah Barber.

Enrollment of family, with relationship attached, as follows:

Names	Age	Relationship.
Joanah Barber,	60	Daughter of Elizabeth or Betsy
Isaac J. " Hubbd	65	Petty, nee Dawson, who was a
Onie E. "	20	daughter of Polly Dawson, nee
W. R. "	24	Rogers who was a daughter of
James E. "	18	Capt Jno Rogers and Ailey Rogers
Johny "		nee Vann a Cherokee Indian by
Joel A. Barber	39	blood as is shown by proof here-
		with filed.

In witness of which I hereto set my hand on this 6 day of August 1896.

(Signed) Joanah Barber.

Indorsed as follows: "Pd 2.50 No.... Petition of Joanah Barber for and on behalf of herself and heirs."

TO THE HONORABLE HENRY L. DAWES AND OTHERS COMPOSING THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitioner, Joanah Barber, would state and show from the proof submitted to the Commission that she is a Cherokee by descent and by blood having been born in Carroll County, State of Ark. on the 5 day of Dec 1835. My fathers name was John Petty. My mothers name was Elizabeth Petty, nee Dawson. That I now reside in the Cherokee Nation, and have resided there for 10 years. And she avers these facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe. And she further avers that these facts being proved she is entitled to be adjudged under the laws of such Nation and the laws of the Congress of the United States and the treaties of such Nation with the United States, a citizen of such Nation, with all the rights, privileges and protection of citizenship in such Nation. Wherefore she herewith respectfully submit to the consideration of the Honorable Commission such proof and on the hearing she be adjudged entitled to such citizenship and her name be placed upon the proper roll as a citizen of such Nation.

(signature Joanah Barber.

INDIAN TERRITORY,)
)ss.
FIRST JUDICIAL DIVIS)

Now on this 6 day of Aug personally appeared before me W. J. Tatte a Notary Public in and for the Territory, Joanah Barber, who being duly sworn, upon oath states that the facts set forth in the foregoing petition are correct and true.

Subscribed and sworn to before me this 6 day of August 1896.

(signed) W. J. Watts,
(Seal)" Notary Public.

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"(COPY)
In the matter of the claim of Joanah Barber nee Joanah Petty to Cherokee Indian Citizenship in the Cherokee Nation , Indian territory.

Affidavit of S. R. Dawson.

Delaware District,)
Cherokee Nation,)
Firt Judicial Division,)
U.S. Court, Indian Territory. (SS
)
)
)

S. R. Dawson, to me well known to be reliable and respectable, after being duly sworn according to law states on oath, that he is a bona-fide citizen of the Cherokee Nation by blood- that he is a resident of said Nation- that his post-office address is Afton, I. T.; that he is fifty-one years of age- that he is well acquainted with the claimant Joanah Barber and has as long as he has known any person- that she is of Cherokee Indian descent- that her maiden name was Joanah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of Polly Rogers, a person of Cherokee Indian descent, who intermarried with Samuel Dawson, a white man- that he said Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann both well known Cherokee Indians.

Affiant is not directly nor indirectly interested in the result of this application.

(Impress of National Seal) (signed) S. R. Dawson.

Subscribed & Sworn to before Jany 6 1892
(signed) W. P. Hubbard,
Notary Public."

"United States of America,
Indian Territory, (ss
First Judicial Division.

I, William P. Rasmus, a Notary Public within and for the Judicial Division aforesaid, do hereby certify that the next above in the within one page of an affidavit is a true and literal copy of the original as presented to me at Tahlequah, Ind. Terry, this the Third day of July A.D. 1897.

(signed) William P. Rasmus,
Notary Public, First Judicial Division, Indian Territory.
(Seal) My Commission expires Feby 3, 1897."

(A copy)

In the matter of the claim of Joanah Barber (nee Joanah Petty)

to Cherokee Indian Citizenship in the Cherokee Nation, Ind Ter.

Affidavit of E. Dawson.

Coose-coowee District,
Cherokee Nation,
First Judicial Division,
U. S. Court, Ind. Ter.

E. Dawson, to me well known to be reliable and responsible after being duly sworn according to law states on oath that he is a bonified citizen of the Cherokee Nation by blood- that he is a resident in said Nation that his post office address is Tahlequah, Ind Ter.-that he is 58 years of age- that he is well acquainted with the claimant Joanah Barber and has been as long as he has known any person- that she is a person of Cherokee Indian descent the her maiden name was Joanah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of one Polly Rogers a person of Cherokee descent, who intermarried with Samuel Dawson, a white man, that the said Polly Rogers was the daughter of Captain John Rogers a well known Cherokee Indian.

Affiant is not directly nor indirectly interested in the result of this application.

(signed) E. Dawson.

Subscribed and sworn to before me this the 24th day of Febry 1893

(signed) A. E. Williams,
Notary Public.

(Impress of
National Seal
here.)
Comt Expes. Sept. 26/96.

United States of America,
Indian Territory, S S
First Judicial Division.

I, William F. Rasmus, a Notary Public within and for the First Judicial Division, Indian Territory, do hereby certify that the next above and the within one page of an affidavit is a true and literal copy of the original presented to me at Tahlequah, Ind Ter. this the third day of July A.D.1893.

(signed) Wm. F. Rasmus.

(Seal) Notary Public, first Judicial Division: Indian Territory, My Commission expires Febry 3, 1897.)

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United States of America,
Western District of Arkansas. SS.

In the case of one Joanah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William F. Rasmus, a Commissioner U. S. Court within and for the District aforesaid duly authorized to administer oaths W. A. Dawson, to me personally well known to be reputable and entitled to credit, and who being by me first duly sworn according to law, deposes and

and says: My name is F. A. Dawson, my age is 52; years; my post-office address is Tulsa, Ind. Terry. I am a farmer by occupation, I am a citizen of the Cherokee Nation, I. T. by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: That he is personally well acquainted with the claimant, Joanah Barber- whose mother's name was Elizabeth (commonly called Betty) Petty, Dec'd nee Elizabeth Dawson, - a Cherokee Indian by blood, and who was the sister of his father: James Dawson, Dec'd, a recognized and acknowledged Cherokee Indian by blood- and was also a sister of Robert Dawson Dec'd a recognized and acknowledged Cherokee Indian by blood- said Robert Dawson having been a full brother to said James Dawson- that therefore the said claimant, Joanah Barber is his (affiant's) first cousin by Cherokee Indian blood and that he so recognized and acknowledged her.

(signed) F. A. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry this third day of December A.D.1894.

(signed) W. J. Ramsey,
(seal) United States Commissioner."

- - - - - - -

"UNITED STATES OF AMERICA.)
Western District of Arkansas.)ss

In the case of Joanah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William J. Ramsey, a Commissioner of the U. S. Dist. Court within and for the District aforenamed duly authorized to administer oaths Francis M. Dawson, to me made personally well known to be reputable and entitled to - - and who - - duly sworn according to law deposes and says: My name is Francis M. Dawson my age is about 57 years, my post-office address is Afton, Ind. Terry, I am a farmer by occupation, I am a citizen of the Cherokee Nation, by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: I am personally well acquainted with the claimant Joanah Barber, whose mother's name was Elizabeth (commonly called "Betty") Petty, nee Elizabeth Dawson, a Cherokee Indian by blood, said Elizabeth Petty was a full sister of my father Robert Dawson Dec'd, a Cherokee Indian by blood- and I acknowledge the relationship by Cherokee Indian blood of Joanah Barber to me as first cousin- and I know that the said Joanah Barber therefore is of Cherokee Indian blood.

(signed) F. M. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry- this 17th day of November A.D.1893.

(signed) W. J. Ramsey,
(seal) United States Commissioner.

Indorsed on back as follows: "No. 1 Filed Feb 24 1897, Jas. A. Winston, Clerk."

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"Page 21, Docket "B"
Joannah Barber.
Office Commission on Citizenship,
Tahlequah, C. N., August, 1887.

Docket No.	Names	Age.	Sex.	Post Office.	Atty.
1	Joannah Barber	51	female	Vinita, I. T.	
2	Alley J. Barber	34	female		
3	Irena Barber	24	female		
4	Erma Barber	22	female		
5	Atta Barber	20	female		
6	Mary Barber	19	female	Applicant for	
7	Onice Barber	17	female	Cherokee Citizenship	
8	Joel Barber	31	male	Rolls 1835	
9	Calaway Barber	27	male		
10	Toliver Barber	26	male	Ancestor	
11	Riley Barber	15	male		
12	Edgar Barber	9	male		
	V.S.			John Rogers &	
	Filed Aug. 13, 1887.			Alcy Pruett	

See decision this case in that of L. R. Dawson, adverse to claimant in this Book page 20.
This April 26th, 1889.
D. S. Williams, Clerk com.
Will. P. Ross, Chairman,
J. E. Gunter, Com."

"S. R. Dawson.
Office Commission on Citizenship,
Tahlequah, C. N. Aug. 11th, 1887.

Docket No.	Names.	Age.	Sex.	Post Office	Atty.
1	S. R. Dawson,	60		Catoosa, I. T.	
2	Parlee Dawson,	44	female		
3	America J. Dawson,	35	female		
4	Katherine J. "	35	female		
5	J. C. Dawson,	31	male		
6	Elias F. Dawson,	29	male		
7	Toliver Dawson,	27	male	Applicant for	
8	Erma Dawson,	20	female	Cherokee	
9	Fanny Dawson,	18	female	Nation	
10	John Riley Dawson	11	male		
11	Robt. E. Dawson,	9	male	R	
12	Clara Dawson,	7	female		
13	Cleveland Dawson	3		Ancestor	
	Filed Aug. 11, 1887.			John Rogers	
	Rejected April 26, 1889.				

Now this day comes the above case for final hearing, Samuel R. Dawson bases his application for admission to Citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson, a white man, Polly Rogers, the alleged daughter of Captain John Rogers, and Cilley Pruett said to be half sister of Joseph Vann, col'd. known as rich and who were of Cherokee Blood. It is admitted that John Rogers

Chilsey Proctor filed before the Commission their claim to new born citizens at the time, and rejected in the 7th Section of the Act of December 6th, 1886, creating the Commission on Citizenship made, but in support of the application it is urged that certain records of the Dawson family the full brothers of the applicant were admitted to citizenship by the Commission on Citizenship then only known as the "Takes Court" and "Spears Court" and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the consideration which determined the decisions of those Commissions or the testimony now introduced to authorize the admission of the present applicant is not involved in the issue now pending. The 7th Section of the Act of December 6th, 1886, before mentioned provides that the Commission according to any person applying for citizenship in the Cherokee Nation upon the grounds of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the Dawes roll of Cherokees taken by the United States, as hereafter mentioned, neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls, the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission of citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the case of Andrew J. Dawson, James K. P. Dawson, Joannah Barber, nee Joannah Dawson, and Jane Queen, nee Jane Dawson and their families as enumerated in their respective applications.

Will. P. Ross, Chairman,
T. Bunch, Commissioner,
John E. Hunter, Commissioner.

This April 26th, 1895,
Dr S. Willison, Clerk Com."

- - - - - - - -

United States of America,)
Indian Territory, (ss.
Northern District.)

W. C. Rogers being duly sworn on oath deposes and says: that he is a citizen and resident of the Cherokee Nation, Indian Territory. That his post-office address is Skiatook, Ind. Ter. That he was born and raised in the above said Nation and Territory; that he is 46 years of age:

Affiant further states that he is slightly acquainted with Irena J. House, an applicant for admission to citizenship in the Cherokee Nation as shown by copy of her application.

Affiant further states that his father's name was Charlie Rogers who was a son of Captain John Rogers and the said Capt. John Rogers was the only man of that name that ever lived in the Cherokee Nation that this affiant ever heard of; that the said Capt. John Rogers this affiants grandfather lived at Grand Saline, I. T. and died in Washington, D. C.

This affiant states that his father Charlie Rogers had one sister and five brothers viz. Synthia Rogers, Leslie Rogers, George Rogers, Nelson Rogers, Granvil Rogers and Randolph Rogers; that he (this affiant) was well and personally acquainted with the above said families except Granvil and Randolph Rogers, who were killed when this affiant was quite young.

This affiant was then 24 years of age, that his father, Charlie Rogers died, that his father never had any sister, Emily (Mrs. Crum) never had any brothers or sisters, that she was an only child; that his father Polly Rogers named in the application for citizenship of Frank, Mamie, Ida and a sister Emily Rogers; that his father never had but one sister viz, Cynthia Rogers Crum, that of last ever heard of; that this affiant was well acquainted with his aunt Cynthia Crum."

And here the following is inserted on separate paper:

"EXECUTIVE DEPARTMENT OF
CHEROKEE NATION, I, John L. Adair, Executive Secretary of the Cherokee Nation, do hereby certify that I have compared the foregoing with the original record in this Department, and that the same are correct copies and transcripts therefrom.

In witness whereof I have hereunto set my hand and affixed the Great Seal of said Cherokee Nation, at Tahlequah, this, the 5th day of Feb. 1896.

(signed) John L. Adair,
(seal) Executive Secretary."

Then the above affidavit continues:

"(nee) Rogers that she lived with this affiant's father for a number of years prior to here death.

Affiant states that he has often talked with his father, Charlie Rogers and his aunt Cynthia Crum (nee Rogers) about his relations but that they never spoke of any other sister in their family; that this affiant was about 20 years of age when his aunt, Cynthia Crum died; that they told him there never was (words "never was" marked over with ink) father never had any other daughter or daughter other than Cynthia Rogers

Affiant states that his father told him a number of times, that this affiants grandfather Capt John Rogers never had any other family other than the one above mentioned; that this affiant never heard his father Charlie Rogers or any of his relatives speak of his grandfather Capt John Rogers owning or running a boat up any river.

Affiant states his father Charlie Rogers was born on Big Mulberry, South-east of Van Buren, Arkansas, in the year of 1817.

Further affiant saith not.

[illegible] Rogers.

Subscribed and sworn to before me on this the first day of October, 1896.

(signed) William M. Hall,
Notary Public,
(seal) My Commission Expires January 16th, 1900."

"United States of America,)
Indian Territory, } SS
Northern District.)

Mrs. Sarah Ortior Rogers first duly sworn states: that she is a citizen and member of the Cherokee Nation, Ind. Ter. and her post office address is Nowata, I. T., that she is 65 years of age.

-4-

[illegible] Barber who is the petitioner [illegible] Cherokee Nation, [illegible] Indian Territory, and [illegible] Indian Territory, and [illegible] foregoing affidavit [illegible] true to the best of his knowledge and belief.

(signed) Byron Carter.

Subscribed and sworn to before me this the first day of October, 1896.

William M. Ball,
Notary Public.

My Commission expires January 16th 1898.
(Seal)

Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennan, [illegible] and A. D. Lontgomery, Commissioners.

In the matter of the application of Nation's No.1573
Joanna Barber Commission's No...
et al
for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs to said application, and for [illegible] cause says:

1st. That the Commission has no jurisdiction over the parties or subject matter of this controversy, and not legal right, however, to hear and determine the same.

2nd. That the application does not state facts sufficient, if true, to show that the applicants are entitled to citizenship.

Respondent not waiving the aforesaid demurrer, but insisting upon the same for answer to said application, says that the said [illegible] claims to derive their right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory and present located and defined; that his name does not appear upon any of the recognized rolls of said Nation; that neither [illegible] ancestors now resident or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Mayes, Principal Chief Cherokee Nation.

By Hutchings, Hastings & Bradbury, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the [illegible] contained in the foregoing [illegible] true, to the best of his knowledge and belief.

(Signed) John L. Adair,

Subscribed and sworn to before me this the 5th day of Oct. 1896.

(Signed) W. J. Ball,
Notary Public.

(Seal)

Entered on docket February 10, 1904. 90 Natl. Archives. 1577, Cherokee Roll No..... 42 ..... Application of No. 9. Joanna Barber, Dewitt and Another. Filed Mar 15 1897 Jno. E. Wilson, Clerk. Filed Oct 9 1902 T. M. Jacoway, Secy."

"BRIEF.

BEFORE THE HONORABLE COMMISSION OF THE UNITED STATES OF AMERICA,

duly appointed and empowered to act, under and by virtue of the Act of Congress of June 28, 1898, to hear and determine all claims for citizenship in the five Civilized Tribes of Indians, to-wit:
Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians.

In the matter of the application for citizenship in the Cherokee Nation, of Joanna Barber and her children, to-wit:

Omie F. Barber, Willie E. Barber, James D. Barber, Roundie Barber and Joel A. Barber.

In the matter of the application for citizenship in the Cherokee Nation of Joel A. Barber and his children, to-wit: Mattie Barber, Oliver Barber, George A. Barber, Frankie O. Barber, Jesse Barber and Ethel Barber.

In the matter of the application for Citizenship in the Cherokee Nation of Mary A. Baker and her child, to-wit: Inez Baker.

In the matter of the application for citizenship in the Cherokee Nation of Ella L. Murphy and her child, to-wit: Claude M. Murphy.

In the matter of the application for Citizenship in the Cherokee Nation of Ella Moore and her children, to-wit: Alma J. Moore, Jackson D. Moore, Huby Moore and Gladys Moore.

In the matter of the application for Citizenship in the Cherokee Nation of Addie L. Hunt and her child, to-wit: Berman Hunt.

In the matter of the application for Citizenship in the Cherokee Nation of Alcey J. Smart and her children, to-wit: Georgia A. Smart and Ezzy M. Smart.

In the matter of the application for Citizenship in the Cherokee Nation of Jonnah J. Garlinghouse and her children, to-wit: Myrtle O. Garlinghouse, Cora L. Garlinghouse and Birtha M. Garlinghouse.

In order that the Honorable Commission may clearly and fully understand the proof and merits of the Claim of the aforesaid Claimants, we deem it necessary to present to the Honorable Commission, the genealogy of each of said claimants, to-wit:

Joanna Barber, whose maiden name was Joanna Polly, is a daughter of Elizabeth Polly, nee Dawson, by a former husband Polly Dawson, nee Rogers and a great granddaughter of Captain John Rogers, who was a Cherokee Indian by blood as more fully the proof herein submitted.

Jool A. Barber is a son of Joanna Barber, nee Petty and grand son of Elizabeth Petty, nee Dawson and a great grand son of Polly Dawson nee Rogers and a great great grand son of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted. Mary A. Barber, whose maiden name was Mary A. Barber, is a daughter of Joanna Barber and grand daughter of Elizabeth Petty, nee Dawson and great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof herein submitted.

Erma Murphy, whose maiden name was Erma Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty nee Dawson and a great grand daughter of Polly Dawson nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Erma Moore, whose maiden name was Erma Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof.

Attie L. Hunt, whose maiden name was Attie L. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blodd, as shown by the submitted proof.

Alcey J. Smart, whose maiden name was Alcey J. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson, and a great grand daughter of Polly Dawson, nee Rogers, and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joanna J. Garlinghouse, whose maiden name was Joanna J. Smart, is a daughter of Alcey J. Smart, nee Barber, and a grand daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, nee Rogers, and a great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Therefore, the Claimants pray the Honorable Commission, that after a careful examination of their application and an impartial investigation of the proof herein submitted, you will adjudge each of said Claimants, together with their aforementioned Children, entitled to citizenship in the Cherokee Nation, and that you place the name of each Claimant, to-wit, or with the names of their aforementioned Children, upon the Cherokee roll, and that you grant to them all the rights, privileges and immunities of citizens of the said Cherokee Nation.

(signed) Hubbard, Carl and Watts,
Council for Petitioners.

Indorsed on back as follows: "No 3 Filed Feb 24 1897, Jas. A. Finston, Clerk."

Commissioners,
Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cahaniss, Alexander B. Montgomery—H. M. Jacoway, Secretary.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,
Vinita, Indian Territory, Oct 8, 1896.
Filed 1897. 2, Answer filed.
Application Denied.

Joanna Barber,
vs.
Cherokee Nation.

I, H. M. Jacoway, Jr., Secretary, do hereby certify that the above and foregoing is a true and correct copy of Cherokee Record A. page 207 of the Commission to the Five Civilized Tribes.

Given under my hand and official signature this the 12 day of Feb. 1897.

H. M. Jacoway, Jr.,
Secretary."

Indorsed as follows: "1864 No. 4 Filed Feb 24 1897 Jas. A. Finston, Clerk."

BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Joanna Barber et al,
vs.
Cherokee Nation. No.1864.

AFFIDAVIT FOR APPEAL.

Now on this the said Joanna Barber et al applicants for citizenship in this case by W. D. Vatts, one of their attorneys, and pray an appeal from the decision of the Honorable Commission to the United States District Court as provided by the Act of Congress approved June the 10th, 1896.

And the said W. D. Vatts, being duly sworn and acting on behalf of said applicants says that the Appeal prayed for in this case is not asked for the purpose of delay but that justice may be done the applicants.

(Signed) W. D. Vatts,

Sworn and subscribed to before me this 22nd day of December 1896.

(Signed) J. C. Lindsey,
Notary Public.
(SEAL)
Commission expires March 24th 1897."

Indorsed: "Court 190."

"Received of H. M. Mccoy, Jr., Secretary of the Commission to the Five Civilized Tribes, the original papers, in the case of [illegible] vs [illegible] Nation, as follows:

Witness my hand and official seal at Muskogee this the 28 day of Feby 1907.
(SEAL) (signed) J. Q. Thaxton, Clk."

Indorsed: "Court of Eq. 1864, receipt for original papers in the case of Joanna Barber et al vs. Cherokee Nation. Received and filed this [illegible] day of [illegible], 190[illegible]. [illegible] Secretary."

"IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY, NORTHERN JUDICIAL DIVISION, AT MUSKOGEE, IND. TER.

Joanna Barber Orlie E. Barber, William R. Barber, James H. Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Ella Moore, Attie L. Hunt, Alcey J. Swart, APPELLANTS,
VS
CHEROKEE NATION, APPELLEE.

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Come now the appellants in the above entitled cause and petition the Court to grant an appeal in said cause from a decision of the Commission, known as the Dawes Commission, created and empowered to treat with the Five Civilized Tribes of Indians, to-wit: the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Indians, and to pass upon and decide applications for citizenship in the said Five Civilized Tribes, which decision by said Commission was rendered by authority of, but not in accordance with, an Act of Congress passed and approved June 10th, 1896, and by which decision on the 29 day of October, 1896 the aforesaid appellants were denied their rights to citizenship in the Cherokee Nation, Indian Territory.

The facts relied upon by the appellants to establish their rights to citizenship in the Cherokee Nation, as aforesaid are as follows: to-wit: The affidavits of E. Dawson, S. E. Dawson T. A. Dawson, F. M. Dawson.

Said affidavits fully and conclusively establishing the fact that said applicants are Cherokee Indians, by blood and descent, and entitled to rights of citizenship in the Cherokee Nation.

Said affidavits, together with the application, of said appellants, were, prior to September the 10th, 1896, filed with and submitted to said Commission for its investigation, consideration and decision.

That a certified copy of said application, together with the accompanying affidavits, were served upon the Chief, or Attorney General, of said Cherokee Nation, prior to September the 10th, 1896.

The errors of the Commission in rejecting the claims for citizenship of said appellants are the grounds for appeal to this Court, to-wit:

FIRST. The Commission erred in rendering its decision on said claims adversely to the appellants and against the proof submitted by said appellants.

SECOND. The Commission erred in investigating the claims of appellants and denying same during the absence of a majority of the members of the Commission.

THIRD. The Commission erred in refusing the appellants the right and privilege of examining the proof submitted by appellee in support of the answers filed by the appellee and denying the appellants the right of filing replication to appellee's answer or producing proof in rebuttal of the same.

FOURTH. The Commission erred in denying the appellants the right of a trial of their claims by a competent jury, as granted to them by the law and constitution of the United States.

FIFTH. The Commission erred in refusing appellants the right to be present in person, or by attorney, during the trial and determination of their claims before the said Commission.

SIXTH. The Commission erred in refusing to issue process for witnesses and to send for persons and papers when requested to do so by the appellants.

SEVENTH. The Commission erred in deciding against the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in deciding against blood, holding that blood was not a test of the right of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the question of residence, holding that residence in the Cherokee Nation was not a test of the right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their docket or record the grounds upon which the claims of appellants were denied and refusing to notify appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims nor deny the same.

TWELVTH. That the Act of Congress approved June the 10th, 1906, was unconstitutional and had no power or legal right to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

THIRTEENTH. That Congress had no power by enactment to create, appoint and empower a judiciary, and said Commission erred in denying the claims of said appellants without any legal authority to do so.

Wherefore, the appellants of this cause pray that an appeal be granted to this Court and that a trial, de novo, be granted the appellants, and that said appellants be permitted to introduce new testimony, and that an order be made requiring said Commission to send all pleadings, papers and records filed before it in this cause to this Court, and that the Cherokee Nation, the appellee in this case, be cited to appear

at this Court and filed and defend against the appeal and show why the Appellants should not by the rules, orders and decisions of this Court be adjudged entitled to citizenship in the said Cherokee Nation, and the appellants will ever pray.

(signed)
F. B. Watts,
A. H. Garland,
W. J. Watts,
Attorneys for Appellants."

Indorsed on back: "Cherokee Citizenship Case, No. 66 No. 5 Joanna Barber et al vs Cherokee Nation Filed Dec 23 1898 Jas A Winston Clerk, Watts, Garland & Watts, Attorneys for Appellants."

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"SUMMONS.

SC WGW
United States of America,)
Indian Territory,) ss.
Northern District.)

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the Northern District, Indian Territory:

You are commanded to summon the Principal Chief of the Cherokee Nation, or the Attorney General of said Nation, to answer on the first day of next May term of the United States Court for the Northern District, Indian Territory, at Muskogee, Indian Territory, being the 4th day of May, 1897, A.D. 189— a petition praying an appeal from the decision of the Commission to the Five Civilized Tribes duly filed in said Court by Joanna Barber, Ona E. Barber, Wm R Barber, Jas E Barber, Jennie Barber, Joel A. Barber, Lary A. Barber, Eva Moore, Attie L. Hunt, Alcey J. Smart, who claim to be entitled to be enrolled as citizens of said Nation, in the United States Court for the Northern District, Indian Territory, which petition is now pending in said Court, and warn him upon a failure to answer petition within thirty days from the time of the service of this writ, the same will be taken for confessed, and you will make due return of this summons within ten days after the actual service of this writ.

Witness the Honorable William M. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, this 28th day of Dec. 1896 A.D. 189—

(signed) J. A. Winston, Clerk.

(SEAL)"

"MARSHAL'S RETURN.

I received this summons the 28th day of December A.D. 1896 and served the same as follows: W. T. Hutchings, Attorney for Cherokee Nation Indian Territory Accepted Service on the within at Muskogee, Ind. Ter. on this 12th day of January 1897

(signed) W. T. Watts

U. S. Marshal

By .....Deputy."

Indorsed on back as follows: "Filed in this Case No. 90 Dec. 6, Nation. ... Attest ... Clerk."

Joanna Barber et al.
vs. No. 90.
Cherokee Nation.

Mr. W. A. Gibson, Special Master, to Whom this case was referred, submits the following report:

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,
NORTHERN DISTRICT, AT MUSKOGEE.

JOANNA BARBER ET AL)
-vs)-) REPORT OF SPECIAL MASTER.
THE CHEROKEE NATION.)

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I, W. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings herein, which are hereto attached and form a part hereof, and that I find as follows:

I

This this cause was instituted on September 8th, 1896, before the Dawes Commission to the Five Civilized Tribes, by Joanna Barber, and Isaac J. Barber, her husband, and their children, Onie E., William R., James E., Johnnie and Joel A. Barber. That Joel A. Barber has the following children, Hattie Tolliver, Oscar A., Frankie C., Jesse and Ethel Barber. That the application includes also Mary A. Boyer and her child Ihez Boyer, Emma L. Murphy and her child Claud Murphy, Emma Moore and her children Anna J., Jackson D., Mary M. Gladys, Attie B. Hunt and her child Dorothy Hunt, Alex J. Smart and her children Oscar A. and Emzey L. Smart, Joanna J. Carlinhouse and her children Lyrtie O., Cora L., and Bertha M. Carlinhouse. That this application was by the Commission tried and rejected on October 20th, 1896, with no reasons given for the decision, and that subsequently on December 2nd, 1896, the claimants appealed to this Court. That the Parties all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be admitted to citizenship in the Cherokee Nation by reason of their descent from Polly Rogers, who is claimed to be a Cherokee Indian by blood. That there filed in support of their application the affidavits of S. R. Dawson, E. Dawson, Francis M. Dawson, and W. A. Dawson, who testify that Joanna Barber is the daughter of Elizabeth Tolley, nee Dawson, who was the daughter of Polly Rogers, who married a white man by the name of Samuel Dawson, and that Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann. That these witnesses are all Cherokee citizens by blood, now living with the

claimants, and according to their testimony, related to them by blood.

The appellee introduces to controvert this testimony the decision of the Cherokee Commission on Citizenship, rendered in the year 1907, in which these claimants were rejected by this Commission and also the affidavits of W. C. Rogers a grandson of Captain John Rogers, and Mrs. Sarah Carter, a granddaughter of Captain John Rogers, both of whom state that they never heard of any daughter of said Captain John Rogers by the name of Polly Rogers, and that Cynthia Rogers was his only daughter.

III

The claimants contend that they are residents of the Cherokee Nation, and are relatives of the Dawson family, who are recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west; that his name does not appear on the rolls of the Cherokee Nation, and that he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

The premises considered, in view of the unsettled condition of affairs in the Cherokee Nation at the time when Captain John Rogers, the ancestors through whom these claimants trace their Cherokee blood, lived, and especially in view of the absence of a marriage law and of records pertaining to marriage, I am of the opinion that these claimants have proved that they are descended from Capt. John Rogers, who resided in the Cherokee Nation, and was a recognized citizen, though they do not show that he was ever enrolled as such, and I therefore find that the claimants are all residents of the Cherokee Nation, Indian Territory, and that they are all Cherokee Indians by blood. That they have resided in the Cherokee Nation since 1907, and probably longer, though the proof does not state definitely how long they have so resided.

I ask that the Court allow me a reasonable fee for my services here in as Special Master.

Respectfully submitted this 16 day of August, 1907.

(signed) W. A. Gibson,
SPECIAL MASTER.

My fee paid.
No Exceptions filed."

BY THE COURT.

From this report it appears that the claimants base their right to be enrolled as citizens of the Cherokee Nation upon the grounds that they are the descendants of a Cherokee Indian by blood, but their ancestors through whom they claim have never resided in the Cherokee Nation as now constituted. It appears that they have resided in the Cherokee Nation since 1907, and probably longer, though the proof does not state definitely how long they have so resided. It does not appear that the applicants or any of their ancestors have ever been recognized as members of the Nation.

The judgment of the United States Court in re-petitioning this case be affirmed, and the application of the claimants

to be enrolled as citizens of the Cherokee Nation is denied."

Indorsed on back: "90 No.7 Joanna Barber et al vs Cherokee Nation, Final Report of Special Master, Filed August 17, 1897, Jas A. Winston, Clerk."

Foregoing papers in Joanna Barber case enclosed in jacket indorsed "90 Joanna Barber et Vs Cherokee Nation."

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"NOTICE.

90

UNITED STATES OF AMERICA)
INDIAN TERRITORY (SS
NORTHERN DISTRICT.)

In the United States Court for said District.
In the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation.

To the Commission to the Five Civilized Tribes.

You are hereby notified that an appeal has been taken in the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said Court to transmit at the earliest time practicable to said Court, at Muskogee, Indian Territory, a transcript of all the entries made in the docket of your tribunal relating to the case, together with the depositions and testimony taken before said tribunal: the decision thereof on the application, and all original papers relating thereto.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 23 day of Dec. 1896. A.D. 189—.

(SEAL) (signed) J. A. Winston, Clerk."

Indorsed: "No. 1864 Joanna Barber et al vs Cherokee Nation, APPEAL ORDER OF U. S. COURT."

Foregoing paper enclosed in jacket marked: "No. 1864."

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BY MR. HUTCHINGS:

We now introduce the original record in the citizenship case of Irene J. House, et al., before the Commission in 1896, the court number of same being 238. said case being denied by the Commission; appealed to the United States Court, and the decision of the Commission affirmed.

In this case we desire to call especial attention to the certified copy filed therein of the testimony of Arthur Baker, the certified copy having been made in 1894, being the testimony of Dr. Baker in the case of Robert Dawson against the Nation, Number 108, before the Citizenship Commission, and which was made January 19, 1893.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The papers in Court No 238 just introduced above, are as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19, 1902.

No. 108.
Robert Dawson et al) Exhibit C.
vs
Cherokee Nation.

Testimony for Claimants.

Witness, Dr. Arthur Baker sworn testified as follows:

My name is Arthur A. Baker I reside at Berryvill Arkansas Carroll County my age is 75 years I am not a Cherokee. I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carrolls County some 35 years - At my Mothers house near Calhoun I became acquainted with the claimants Robt Dawson grandmother on mother's side she was frequently at my mothers house though she Anna Pruet lived in the Nation side; She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee, the first time she brought the claimants mother to my mothers house she the mothers mother was about grown when I was a little boy. She called her daughter Polly Rogers, Said Captain John Rogers who ran a boat up the River was the father of the child; I saw the girl frequently there at my mothers and there at Louis Ramses Store.

I saw her occasionally until I was 15 or 16 years of old and I think then Old Capt. John Rogers took her off to school, I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson, I stayed all night there and we and I had a talk over our old matters and I asked her where she became acquainted with Dawson and she said at the time she was going to school and she said after she left school that Dawson followed her home, to the Nation and they were there married. I have told that precisely in the words that she used, Capt John Rogers claimed to be one fourth Cherokee. The claimant is the son of Polly Rogers, and I know Polly Rogers to be the daughter of Anna Pruett and I know the claimant to be the son of Polly Dawson.

Capt. Rogers then resided in the Cherokee Country about twenty (Word "twenty" marked through) twelve miles below Calhoun on the Hiwassee River Anna Pruett resided in the Cherokee Nation as long as I stayed there the Dawson when I got acquainted with them Arkansas were recognized there they were as Cherokees. Robert Dawson children is Buck, John, Marian and two girls, The children named in th petition I recognized as being the claimants.

Question by Solicitor:

No. 1 How many children had Polly Rogers have?
Ans. 1 Five I think that is all
No. 2 Did you say so that the mother was one be married twice?
Ans. 2 The claimant was married twice.
No. 3 Could Anna Pruet a full Cherokee?
Ans. 3 Yes, she could speak the full

Ques 4 Did Polly Rogers speak Cherokee?
Ans. 4 She did when I was young.
Ques 5 How far did you live from A m Pruet?
A. 5 Just across the riva about 3/4 of a mile.
Ques 6 Was Calhoun in the Cherokee Nation?
Ans. 6 It was on both sides of the river part in the Nation and part out in the state.
Ques 7 Which Marriage was it went to Texas?
7 George went first, then John went, they were the sons of old man Marriage, that lived up near the line.
Ques 8 Did the Claimant go to Texas?
Ans. 8 No the Claimant did not go to Texas.
9 What connection was claimant and Polly Rogers?
9 The Claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.
10 Where does claimant now live?
10 He lives in Carroll Co Arkansas.
11 Do you know what relation old Capt John Rogers was to Charles Rogers here in Cooweescoowee?
11 They claimed him but what kin I dont know there were two Capt John Rogers in the Nation I am speaking of the time when I first come to this country about the year 1830.
12 Was Anna Pruet the maiden name of claimants grandmother
12 Yes that was her maden name the Indian called her Sinee

his
(signed) Arthur x Baker
mark

Witness hand paralyzed is the reason why he signed by a mark this x

I R T Hanks Assistant Executive Secretary do hereby certify that the foregoing document is a true and correct of the riginal as appears of record in the Executive Department of the Cherokee Nation.

Given under my hand and the seal of the Cherokee Nation on this the 5th day of December 1894.

(signed) R. T. Hanks,
(seal) Asst Exec Sec. "

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"To the Honorable the Dawes Commission on Citizenship in the Five Civilized Tribes in the Indian Territory:

Your petitioner, Irena J. House, undersigned, respectfully states that she is a Cherokee Indian by blood, as asks to be enrolled as a Member of the Cherokee Nation of Indians in the Indian Territory. That she derives her said Indian blood from Joannah Barber her mother, who is a Cherokee Indian by blood The said Joanna Barber being a daughter of Elizabeth Petty who was the daughter of Polly Rogers and Samuel Dawson, the said Polly Rogers being the daughter of Captain John Rogers and Anna (alsy Vann) Pruet, Cherokee Indians, as shown by a certified copy of the affidavit of Dr. Arthur A. Baker, which is hereto attached as Exhibit A also affidavits marked exhibits B- C- D- and E.

Your petitioner states the above facts as the lawful grounds for her application for citizenship in the Cherokee

Nation, and prays that her claim may be fully investigated by your Honorable Commission and that she be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 34 years. My Post Office address is Talala, Ind. Ter. My family consists of the following named persons: My husband and children as follows:
W. J. House, aged 34 years; Chas. C. House, aged 9 years; Vinson T. House, aged 8 years, Anny M. House, aged 5 years.

WITNESS my hand this 19 day of August 1896.
(signed) Irene J. House.

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Northern Judicial
District, Ind. Ter. SS.

Personally appeared before me, the undersigned authority, Irene J. House, to me known to be the petitioner in the above petition, who being by me first duly sworn upon her oath says that she is the petitioner in the above petition, that she has read (or heard read) the said petition and that the facts stated therein are true, as she verily believes.
(signed) Irene J. House.
Subscribed and sworn to before me at Talala, Ind. Ter. this 19 day of August A.D.1896.
(signed) J. Barrickla ,
(seal) Notary Public, My Commission expires June 8 1899."

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"Exhibit A.
Northern Judicial Division,
Indian Territory.
Joanah Barber being duly sworn according to law, on oath states My name is Joanah Barber I am 61 sixty one years old My Post office address is Watova Ind Ter- My husband occupation is farmer I am a Cherokee Indian by blood my mother being Elizabeth Petty (nee Dawson) Daughter of Samuel Dawson and Polly Dawson (nee Rogers) my father Polly Rogers is a daughter of Capt Rogers and Anna Vann (nee Polly called Alsey Vann) the following Irene J. House is my daughter; she was born in Williamson County, Texas May 13th 1863, moved with her husband children to the Indian Terry and settled near Talala I Tery
(signed) Joanah Barber
Subscribed and sworn to before me this 19th day of Aug. 1896.
(signed) J. Barrickla,
(seal) Notary Public, My commission expires June 8 1899

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"EXHIBIT B.

Indian Territory,
Northern Judicial District ss.
P. L. Dawson being duly sworn according to law deposes and says:

My name is F. M. Dawson; I am 54 years of age; My post office address is Afton Indian Territory I am a farmer by occupation and reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my grandmother whose maiden name was Polly Rogers through my father Robert Dawson, My grandmother Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee. My grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1832 and settled in Western Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory, Robert Dawson, the father of the affiant was also a recognized citizen of the present Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson father of this affiant and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of said Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers The said Elizabeth Petty was the mother Of Joanna Barber who is a full cousin by blood of this affiant in the Indian side. The said Joanna Barber is the mother of Irena J. House nee Barber who is a second cousin of this affiant in the Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and drew their per capita money all the last payment: said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, derives her Indian blood and right.

This statement I have made to John H. Koogler, a Notary Public at Muskogee Indian Territory and it has been written down by him at my dictation. Such part of this testimony which refers to matters occuring previous to my recollection I know by means of family history and traditions which facts I have always been taught and told of by my parents and grand parents from childhood up, ta facts stated as occuring since My childhood I know of my personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irena J. House for citizenship in the Cherokee Nation.

(signed) F. M. Dawson."

"Indian Territory,
Northern District.

I John H. Koogler, hereby certify that the annexed and foregoing statement [illegible] affidavit was dictated to me by F. M. Dawson and was subscribed and sworn to by him and was written by me from his oral statement at my office in Muskogee Indian Territory this 14 day of August 1896, and I further certify that the said F. M. Dawson is personally known to me and that he is a creditable person and entitled to belief.

(seal) [illegible] Public."

Northern Judicial District,
Indian Territory.

EXHIBIT D.

E. Dawson, being duly sworn according to law on oath states: My name is E. Dawson; I am 61 years old; My post office address is Talala, Ind. Ter. I am a farmer by Occupation, and reside in Coowescoowee District- Cherokee Nation. I am a recognized Cherokee Indian by blood, and exercise all the rights and immunities of a Cherokee Citizen now living in the present Cherokee Nation. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my Grandmother Polly Rogers through my father, Robert Dawson. My grandmother Polly Rogers was a Cherokee Indian and was married to my grandfather Samuel Dawson in the old Cherokee Nation in Tennessee. My Grand Parents, Samuel Dawson and his wife Polly Dawson whose maiden name was Polley Roger came West from the Old Cherokee Country in about the year 1832, and settled in Western Arkansas, and later came on to the Cherokee Nation. My father Robert Dawson was a recognized member of the Cherokee Nation when he died, by reason of his Cherokee Indian blood.

The said Robert Dawson, the father of this affiant, and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of the said Samuel Dawson and Polly Dawson his wife she being the same Polly Rogers as aforesaid. The said Elizabeth Petty was the mother of Joanah Barber who is a full cousin by blood of this affiant on the Indian side, the said Joanah Barber is the mother of Irena J. House, whose maiden name was Irena J. Barber and a second cousin of this affiant on the Cherokee Indian side. This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians of the present Cherokee Nation and exercise all the rights and privileges of such Cherokee citizens, they having drawn their shares of the Strip money at the last per capita payment made by the Cherokee Nation.

Said citizens and relatives derived their Cherokee Indian blood from the same source, as did the above named Irena J. House.

I have made this statement before J. Barrickman, Notary Public at Talala, Ind. Ter, and affiant further states that he has no personal interest in the prosecution of the claim for citizenship in the Cherokee Nation of the said Irena J. House.

That the above facts which are within the personal knowledge of the affiant or within his years of discreetion he knows personally, and the other facts which occured before the recollection of affiant he testifies to that what he has been taught from his family history and traditions.

That the relationship existing among all his people in the Cherokee Nation he knows from his personal knowledge and that they are related to the Cherokee Indian side.

(signed) E. Dawson.

Subscribed and sworn to before me this the 19 day of August 1896

(signed) J. Barrickman,
Notary Public, by commission expires June [illegible], [illegible].
(seal)."

Notary Public.

"Cherokee Nation,
Coowescoowee District. EXHIBIT E.

Before me the undersigned authority this day, personally appeared W. A. Dawson who is to me well and personally acquainted, and after being duly Sworn; deposeth and says, that he is well acquainted with Irena J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of Joana Barber, who is a neice of Robt. & James Dawson, who are both Cherokee Indians and recognised citizens of the Cherokee Nation.

Affiant further states that Irena House is the grand daughter of Mrs. Petty, who was a full sister of Robt & James Dawson.

Affiant further says that he knows that Irena House is a lineal descendant of Annie Dawson whose ~~children~~ (line drawn through word "children") sons, Robt & James before spoken are recognized citizens.

Affiant further says he has no interest in this suit.

(signed) W. A. Dawson.

Sworn and subscribed to before me this 17 day of August 1896.

(signed) William Lynch
Notary Public.

(Seal) My term expires Feb 6 1900."

Foregoing indorsed on cover as follows:
"No: 3099 5464 Before the Dawes Commission on Citizenship in the Five Tribes. Irene J. House V.S. The Cherokee Nation. Petition and Proof, Will E. Linton, for Petitioner. Filed Sept 8 1896 A. S. McKennon, Com'r. Denied. Filed Feb 26 1897 Jas A. Winston clerk."

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"Received of M. H. Jacoway, jr., Secretary to the Commission to the Five Civilized Tribes the original papers in the cause of .... vs..... Nation, as follows.....
Witness my hand and of icial seal at Muskogee this the 26 day of Feb' 1897 J. A. Winston, Clerk."
(Seal)"

Indorsed: "Court No.238 No. 5464 Receipt for original papers in the case of Irena J. House vs. Cherokee Nation, Received and filed this ..... day of..... 189..."

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"Irene J. House et al,
vs. No. 238
Cherokee Nation.

Mr. M. A. Gibson, Special Master to whom this case was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSKOGEE.

IRENE J. HOUSE ET AL

VS No. 238 REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION.

----------oOo----------

I, N. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings on file in this case which are made a part of this report, and that I find as follows:-

I

That this case is in reality a branch of Case No. 90, Joanna Barber vs Cherokee Nation, the principal claimant herein being Irene J. House a daughter of Joanna Barber.

That this cause was instituted on September 2, 1896 at which time application was made to the Commission to the Five Civilized Tribes for citizenship by blood in the Cherokee Nation.

That this case was tried by the said Commission on November 24, 1896 and the applicants denied, no reasons being given for the decision, and that on January 30, 1897, the parties appealed from said decision to this Court.

That this application was made by Irene J. House, her husband, W. J. House, and their children Chas., C. Winston T., and Henry V. House. That they file in support of their application the affidavits of Joanna Barber, F. . Dawson, Arther A. Baker, E. Dawson, and W. A. Dawson. That these Dawson witnesses are citizens by blood of the Cherokee Nation, and state that they are related by blood to the claimants herein on the Cherokee side. The claimants base their contention of a right to Cherokee citizenship upon the fact that the claimant Irene J. House is the daughter of Joanna Barber, who is the daughter of Elizabeth Pet y, who w s the da ghter of Polly Rogers, and that Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann, who were recognized Cherokee citizens by blood. That the testimony shows t t this Dawson family are recognized citizens of the Cherokee Nation, and that the claimants herein are cousins by blood upon the Indian side, and t t they all claim through a com on ancestor, Polly Rogers and Captain John Rogers and Ailsey Vann, who were all recognized Cherokee Indians.

II

The appellee introduces in defense the record of the application of these claimants to the Cherokee Commission on Citizenship in the year 1896, and the record of the rejection of the claimants, and further the affidavits of F. . Rogers, and Mrs. Sarah Carter, a grand daughter both of whom state that they never heard of any d ughter of Captain John Rogers by the name of Polly Rogers, and that he had only one daughter, whose name was Cynthia.

III

The Claimants contend t at they are recognized citizens of the Cherokee Nation and are relatives of the Dawsons, who are

recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name does not appear on the rolls of the Nation, and that neither he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

IV.

The premises considered, I find that the claimants are the descendants of Captain John Rogers, and that it was entirely possible that in the condition of arrairs at that early date in the Cherokee Nation, especially owing to the absence of a marriage law and of records pertaining to marriage, that these claimants should be the descendants of Captain John Rogers by a daughter, Polly Rogers, of whom the affiants for the appellee may never have heard.

I find that the claimants are residents of the Cherokee Nation, Indian Territory, where they have resided since 1887, and that they are Cherokee Indians by blood.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted, this 9 day of Nov 1897.

(signed) H. A. Gibson,
Special Master.

My fee paid,
No Exceptions filed."

Foregoing apers indorsed on cover as follows: "238, Irene J. House et al V Cherokee Nation Final Report of Special Master, Filed Nov 10 1897 Jas A. Winston, Clerk."

Foregoing papers enclosed in jacket indorsed as follows: "238, Irene J. House, et al vs. Cherokee Nation."

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BY MR. HUTCHINGS:

Well we close for the present.

TESTIMONY INTRODUCED ON BEHALF OF THE APPLICANTS:

D. C. DUNCAN, being first duly sworn, and being examined, testified as follows:

BY MR. MCKENNON:

Q. Please state your name, age and residence? A My name is D. C. Duncan, my age is 72 years, my residence, Vinita, Indian Territory.
Q Are you a duly recognized citizen of the Cherokee Nation by blood? A I am.
Q You gave testimony in this case once before did you not, before the Dawes Commission? A I did.
Q Before this Commission I will say, this Commission? A The Dawes Commission? A Why I don't recollect who the Commissioner was, that was taken at Vinita, ex parte.
Q Were you in any way connected with the Cherokee citizenship Commission in 1883 known as the "Tehee Commission"? A I was Clerk of that Commission.

Q For what length of time? A I don't recollect the exact length of time, I think it was about thirty days, during the continuance of that Commission, existance of that Commission.
Q You were the only clerk it had during its existance were you?
A I think I was.
Q You were Clerk of that Commission when it rendered a decision in favor of Robert Dawson et als, as found on page 114, of its record, numbered 108 (witness examines record referred to.) now in the possession of this Commission? A I was.
Q The members of that Commission were the same as shown by the signatures to this judgment were they? A The same, yes, sir.
Q Thomas Tehee, President of the Commission, Alex Wolfe and T. F. Wilson, Commissioners, that is correct, is it? A That's correct.
Q Were you present when this case was under consideration by that Commission and when it rendered this judgment in the case? A I was.
Q Were you at that time acquainted with F. M. Dawson, commonly known as "Mad Dawson", Campbell Taylor and Samuel H. Benge, who were attorneys, who were Cherokee attorneys at that time? A I might say that I merely know Mr. Dawson; all I know of him was I saw him here as a party to the suit. I know Mr. Taylor and Mr. Benge quite extensively; I have known them a number of years.
Q They were recognized Cherokee citizens were they? A They were.
Q Was Taylor not known generally as a Citizenship Attorney?
A I think he was.
Q Do you remember seeing him and Benge present at the time this case was under consideration by the Court? A Why I do not recollect seeing Mr. Benge, I cannot recollect, but I can recollect of seeing Mr. Taylor about the Court room now and then.
Q Do you know who submitted the case to the Court for the applicants? A Let me understand the meaning of that; who brought the case?
Q Who called up the case? A No, I don't recollect.
Q Do you remember whether that Commission rendered any other decision than that found upon this record in that case? A I never had any knowledge only but one decision.
Q Was that in favore of or against the applicants? A It was in favor of them; I will say this: that if there was another decision other than the one that appears on the docket now before you, I have no recollection of it.
Q The only decision you have any knowledge of was recorded by you in your book as here shown was it not? A That is the only one that I have any knowledge of.
Q Did Dawson pay you any money in connection with that case?
A He did not.
Q Did he promise to pay you any money for your influence [illegible] in that case? A Never.
Q Did he pay money, either directly or through any other [illegible] for my influence in that case?
A Never.
Q Have any knowledge of his having paid to the Court [illegible] member of the Court any money for the purpose of influencing [illegible] in that case? A None whatever.
Q You have opportunity of observing his conduct during that [illegible] time? A The only opportunity that I had was during the session of the Commission; I saw but very little of him [illegible] of the Commission; now and then I would see him in [illegible]
Q Did you see anything in his conduct toward that Court which indicated that he had used undue influence in procuring that judg-

ment? A I never observed anything of the kind; nothing that awakened a suspicion in my mind that he was engaged in that kind of practice.
Q Did Campbell Taylor at any time after the rendition of that judgment pay to you any money as coming through him from Bud Dawson for any services which you had rendered to him in that case?
A Yes, he paid me some.
Q What amount? A My recollection is that, I think it was a twenty dollar bill. I don't know but I had better go and state the transaction, all about it.
Q Yes, sir. A Mr. Dawson, Bud Dawson, during the trial of the case occasionally applied to me at my desk for writing paper, issue of a subpoena or transcript, something of that kind; I always treated him with courtesy and proper official consideration. He seemed to appreciate it, and whenever I did services of that kind to him, says he, I have no money, Mr. Duncan, but I feel as I ought to pay you. I told him I made no charges for work of that kind. And in passing I might state that I never received a cent for any kind of that work which I had been in the habit of doing for various parties before the Court.

After his trial was concluded, in the afternoon a little while before supper time I went to my hotel, The National Brick Hotel in Tahlequah; went to my room, felt a little tired, laid down upon the bed to rest. I recollect Mr. Duncan stepped into the room, drew a chair up to the bedside and sat down and commenced giving expression to his gratification at the success of his case, dwelling mostly upon the testimony in the case being so satisfactorily, establishing his Cherokee blood, and that he thought that he was entitled and that he had received justice by the Court. I listened to him, and we talked there I guess some ten or fifteen minutes; after a little he says, I must go to-morrow, I think he says to-morrow, I must go home,- he then lived down in Arkansas somewhere. Says he, Mr. Duncan, I believe I owe you something, ought to pay you something. Alluding, as I understood, to these little courtesies that I extended to him at my desk. Says I, I make no charges, Mr. Dawson, for services; if I have done you any good you are welcome. Well, says he, I feel indebted to you, I ought to pay you. I says, that makes no difference; I will leave that to you. Says he, I have hardly enough money to get back home. He shook my hand, and the last word he says to me, you shan't lose anything for your kindness to me; I thought he had reference to my services at the desk. That was the last I saw of Mr. Dawson, oh it must have been a year afterwards; I had located a little claim on the public domain up there in Delaware District, staked off what I intended to be a farm, merely stables, I didn't make any other improvements, over there on Horse Creek. Went over in that part of the country to look after my claim, and I ran across Mr. Dawson, he had come into the Country and located and built him a little shanty and was living in it; I called upon him, he was very glad to see me; I asked him what he was doing there; he said he had moved into the country, and I told him, says I, you are encroaching upon me here; he had spread his claim over part of mine, mine had been made so long it was outlawed under Cherokee law. Well, says Mr. Dawson, I don't feel like doing you any wrong, I will pay you for your claim, and we will settle the matter in that way, that he as soon as he got his little matters together that he would satisfy me for it. Well we parted at that point. It ran on then for a long time, I don't know how long,- I think I met him in Vinita, and says he, did Camp Taylor pay you any money that I sent to you? Says I, No, I have not seen Camp Taylor.

Well, says he, I gave him some money and told him to hand it to you for me, and, says he, you ask him and he will hand it over to you I guess. Well we parted then. Well, went on for some time, some months; I happened to meet Mr. Taylor in Tahlequah; I met him on the street I think, jocularly I clapped my hand on his shoulder, says I, look here, did Mr. Dawson any money to me by you? He says, yes, and he pulled out what I recollect to be a twenty dollar bill, and handed it to me: I received it, and I received it with the idea that he was compensating me for taking my claim, or possibly for doing him those little services in the Court. Now that is the gist and substance of the whole thing.

Q Was not that twenty-five dollars, Mr. Duncan? A It might possibly have been, my recollection does not serve me exactly, it might have been 25 dollars.

Q Did Campbell Taylor pay you any other money as coming from said Dawson? A Never a cent.

Q Did he at one time pay you fifty dollars out of a hundred dollars which he had received from Mr. Dawson? A Never.

Q Did he on A second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson? A None at all.

Q He paid you no other money than that you have already stated, from Mr. Dawson? A Not a cent.

BY MR. McKENNON: We offer in evidence the judgment of the Cherokee Citizenship Commission before referred to, and ask that it be filed in evidence in the case of every application made by members of the Robert Dawson family who claim under it, or through Robert Dawson, as citizens of the Cherokee Nation, said judgment being found on page 114, Records of the Tahlequah Court, 1880 to 1884, case number 108, judgment dated January 11th, 1883, signed by Thomas Taher, President, Alex Wolfe, T. F. Thompson, Commissioners. D. W. C. Duncan, Clerk Commission.

The said judgment just introduced is as follows:

"Office Commission on Citizenship,
Tahlequah, C. N., September 24th, 1881.
No. 108
Robt Dawson,
Elbert Dawson,
Jasper Dawson,
John Dawson,
Josephine Dawson,
Joseph Dawson, Petition for Citizenship
Jane Dawson,
Molly Dawson,
Tilbron Dawson,
James Dawson,
Lial Dawson,
vs.
Cherokee Nation.

Continued by the Plaintiff, Oct. 5, 1881.

January 13th, 1882.
The above case continued by the Cherokee Nation till next.

term, thereon by the parties that the above shall not be tried, and for final disposition before the [illegible] day of Oct, 1888.

October 4th, 1887.

It is agreed by the parties that this shall be finally disposed of at the next January term if the claimant is present demanding the same to be, the case shall be then continued to the September term, 1888.

On this agreement Commission continues the case till the next January term to-wit, January 1888.

And now this 11th day of January A.D. 1888 this case coming on for final hearing, and all the evidence produced in the case being carefully read and fully considered by the Commission it was adjudged and determined by the Commission on Citizenship that the claimants, Roe ct Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Jo Annie Dawson, Joseph H Dawson, Jane Dawton, Polly Dawson, Tilson Dawson, Sarah Dawson, and Rial Dawson, are Cherokees by blood: and that they are entitled to all the rights and privileges of Cherokee Citizenship within the Cherokee Nation, and that they should be, and they are, hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

(signed) Thos. Ponce,
President of Com.

D. F. C. Duncan,
Clerk of Commission.

Alex Wolfe,
T. F. Thompson,
} Commission, ors.

Transcript issued to Claimants, January 11th, 1888,
(signed) D. F. C. Duncan, Clerk."

Marginal Note: "Case submitted by Claimant January 11th, 1887. Case submitted by Solicitor January 11th, 1887."

Q Do you remember how many members of the Court were present when this judgment was rendered, or were all of them? A My recollection upon that point is not positive, but it is my effort to state upon what I know to be the practice of the Court at the time, saying the names of all those Commissioners there, I can say with a great deal of positiveness that they were all present, because I never signed the name of one of the Commissioners unless he was present, assenting to it or directing it.

Q The rendition of that judgment then was concurred in by all of the three judges? A It was.

Q Mr. Duncan, if there had been a decision rendered the day before in this case while the Court was in session, adverse to these Claimants, would you have known it? A I certainly should have known it.

Q Was there any such decision of the Court? A None to my recollection. I can say positively there was not.

Q How many of those judges are now living? A Only one.

Q Which? A Mr. Thompson.

Q Ponce and Wolfe are dead? A Ponce and Wolfe are dead.

Q How long have they been dead, do you know? A I do not [illegible] quite a number of years. I wasn't living there, never lived there when their death occurred, and their death occurred perhaps a long time before I got knowledge of it. It is generally understood that they are dead.

Q Do you recall how it was that action arose in the Damon
[illegible] court as to [illegible] and Bruning? A I have
been thinking, and I don't [illegible] they [illegible] any motion
Damon except [illegible] pro [illegible] entire subsequent
to the rendition of [illegible]

(At this point a lady [illegible] sitting in the room
in which the [illegible] held, is called forward,
sworn as [illegible] and asked to retire until called.)

BY MR. STRINGER:

Q Mrs. Damon, when did you become a clerk of the Lewis Commission
Court? A It was [illegible] November in [illegible], 1903, at the
time the Commission was organized in relation to the clerk of the
Council in which [illegible] related.
Q [illegible] A Yes, sir.
Q Were you doing [illegible] in January
in 1903? A The Commission sold its Court after they were elected
something.
Q The Court was elected in July wasn't it? A Well, I mean the time,
I don't pretend to say when the Court was elected, but I have
said at the time I was chosen clerk, I was chosen clerk just at
the close of the session of the National Council of that year.
Q '02? A I think it was '02.
Q You entered up this judgment rendered January, 1903? A Yes,
that was the session of the Commission.
Q That was before you were clerk of it? A Well I held my clerkship for some time you in a continuously.
Q Well but when you go back to say that you were their clerk when it
was on case was put on? A No, I don't mean by that.
Q How could you be clerk when the Damon case was passed on in
1903 when you were not elected until 1902? A I am mistaken in
that, but comes after '01. It was the year preceding 1903, it must
have been '02.
Q Your first entry in the Damon case is January 15, 1903, isn't it?
Q I don't recollect that my first entry was. (Attorneys show the
record to witness) Yes, that is the entry there on that day,
Q And that was shortly after you became clerk wasn't it? A Yes,
shortly after I became clerk.
Q The [illegible] upon the docket before you became clerk?
A I think so, yes, it was entered in the previous term of the
session of the Commission.
Q In whose handwriting was the names of the three Commissioners
signed to that judgment? A Damon [illegible]?
(Attorney shows record to witness again) A That is my handwriting.
Q All three names? A All three names.
Q The record shows that you [illegible] gave that that day
a transcript of the judgment, do you know who signed that? A
Signed the transcript?
Q Yes, sir. A I do not recollect now, this in, did the writing?
Q Signed the name to it? A Yes, I did it.
Q You signed [illegible] row of Jones and Felts didn't you?
A I think I did [illegible] generally: I don't know of their attending
to [illegible]
Q When [illegible] was there didn't he sign his own name? A Sometimes he did, sometimes he simply authorized me to do it.
Q Have you any recollection of [illegible] you to do it
[illegible] the fact that you have done it on that score frequently?
A I don't [illegible] literal [illegible] of authorization,
but I can say [illegible] sometime the record, that he
authorized me to put it's name there.

Q Will you look at the original transcript hereby shown you and refer not to it the judgment and say who signed the names of the Commissioners there? A (Papers shown to witness) A I signed them there.

Q You recognize that as your handwriting? A I do.

Q What made you when you were testifying at Vinita before Mr. Martin, on looking at the two signatures, and being cross-examined by me, say that it was not your signature and that the signature thereto attached was the signature of Mr. Thompson? A Occurred in this way: I had not seen any of the records in the case for about nineteen years. The exact transaction in the Court had vanished about entirely from my memory: I recollected at that time, however, when I gave in my testimony before the Commissioner, Martin, that that was a practice of the Court at the time I served by which I signed the names of the full-blood members of the Commission, and Mr. Thompson either uniformly or occasionally signed his own name. I based my statement in that deposition upon my knowledge of the rule or practice in the Court, without comparing the docket and refreshing my memory. I made an incorrect statement when I said that that was not my handwriting: I am convinced now that it is my handwriting. That is the way it occurred, the way it happened.

Q Then you consider your recollection of the fact that Thompson, when he was present and rendering a judgment signed it himself, better than your own knowledge of your own handwriting?

A No, I didn't so regard it. I simply spoke without advisement when I gave in that testimony: I subsequently became better informed and concluded that that was my handwriting and not entered by Mr. Thompson under the rule, but was one of those cases in which he authorized me to do it myself, and I did it.

Q Then you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and not from the fact of your judgment on your handwriting at present? A I simply corrected my testimony in reference to my statement in regard to this handwriting, this case.

Q And you wouldn't know then as I understand you whether or not that is your handwriting if it was not refreshed by what you consider to be exterior facts? A I should know it by examining it and thinking over the circumstances, I think I should recognize my own handwriting, but if Question should be propounded instantaneously without any advisement or preconsideration I might take a mistake.

Q You did recognize the names of Thomas Teher and Alexander Wolfe as being in your handwriting at that time? A I was very clear and positive, and so stated, that the names of those Commissioners were in my handwriting, and I was made certain by reflecting on the rule that they never signed their names with their own hand, but always authorized me to do it. Hence there is no question in my mind in regard to my handwriting in their signatures.

Q And then the third name, right under it, as compared with your admitted handwriting, you had to wait and learn the facts afterwards to determine whether that was your signature or not? A No, I don't think that if I had considered the circumstances, I know there was a resemblance; what made me of the opinion that it might have been Mr. Thompson's signature was like this: I had been in the habit of at least sometimes signing his own name, and I was under the impression-and I do not now think I am much deceived- that his chirography bore at least some resemblance to my own, hence I doubted whether I had signed that name or not on that account.

Q You were after somewhere at that time in your testimony to the fact that Mr. Thomas had written more than one paragraph on that record didn't you? A My recollection is that that was a possibility, not to such an extent as to make the question material to the case, but as I now recollect that I was

Q And he stated, didn't he, that he always at the original had the words "Tuesday"? A I do not recollect that I stated that I read the word "Tuesday" at that time, but at the time I was examined upon the determination was made that he did, but when I come to reflect and examine the docket I was convinced that I was wrong, that occasionally I signed for him.

Q Then you never found out that your testimony given on that like a year and a half ago was wrong until you examined the docket before yesterday, and compared your own signature? A I don't know that I have thought of it since that time until yesterday or the day before the examining the docket.

Q So the only recollection that you have at all to add to your recollection that Thomas was present when that judgment was rendered was the fact that you saw him and signed it, in your handwriting, is it? A As a fact,-

Q You can answer that yes or no? A That being the recollection I have recollection and I recollect now that the court is there were all present at the time that I signed it. I didn't their names out of court at all.

Q Was it in the forenoon now or in the afternoon? A I don't recollect whether it was in the forenoon or afternoon.

Q In recollecting that they were all present when the record was signed, do you mean to say that they were all present when the judgment was rendered? A Yes, that is, you mean when the question of admission or rejection was voted upon?

A Yes. A They were present.

Q Did you write up the record at the time that they rendered the judgment, or make a memorandum of it, written write up the judgment some days afterwards? A The record was not written up I, exclusively upon the decision of any case, but I wrote up the record after adjournment, generally in the evening, and presented it next day or when the next session was had, for signature; that was the practice.

Q But in this instance you wrote it up the very day that it was rendered didn't you? A I didn't recollect as to that.

Q And gave them a transcript the very day it was rendered?

A I don't recollect as to that.

Q And indicated the giving of the transcript on the bottom of the judgment the day it was rendered? A I should say it was given at the date of the transcript.

That was a very unusual thing for you to do in entering up a judgment A To do what?

To noteon the bottom that you had given a transcript the same day the judgment was rendered? A No, I don't know that there is anything unusual about that.

Any other places in that record or more than one. In any event did you just once done that? A I don't recollect, but if I don't recollect of giving anybody else a transcript.

That is what I am getting at: you gave them a transcript and wrote up your judgment and everything right away? A Pretty generally after the decision: whether it was the same day or the evening, and signed next day, I don't recollect.

IT NOW BEING THE HOUR OF NOON, A. M., THE COMMISSION ADJOURNS UNTIL HALF PAST ONE P. M.

AFTERNOON. [illegible] P. M. -APPEARANCES, same as in forenoon. W. C. H. HEAD again on the stand.
W. H. HUTCHINGS:

Q Do you remember what witnesses were before the Court? A I don't recollect now distinctly except Dr. Baker. I was there [illegible] the length of the testimony at the time it took to try it.
Q The Doctor was about the only distinct witness there was? A He is the only one now that I can call to mind.
Q The other probably another old darkey that testified was not there? A I have no recollection to that effect.
Q The case was just decided really on Doctor Baker's testimony, is it about the only one that knew anything about the case? A I am not certain that Dr. Baker was the only witness; might have been others that I am now recalled by recollection.
Q Doctor Baker's testimony was taken down in writing? A Yes.
Q There was not anybody else taken down in writing was there? A All the testimony that was accepted in the case was taken down in writing.
Q Did you ever see anybody's else testimony in writing; except Dr. Baker in that case? A That is not as I recollect, I don't recollect any other but Dr. Baker's.
Q You know whether or not it was taken immediately before the trial or at the trial or how was it? A It was taken in the presence of the three Commissioners during the session of the Court.
Q You mean the day that the case was decided or how? A I do not recollect whether the case was on trial more than one day, but my impression is that it was.
Q Do you know whether it was the same term of the Court or not? A I think it was the same term of the Court.
Q How many terms a year did that Court have, when and how did they last? A I don't recollect of but serving but one term.
Q Don't recollect but serving but one term? A Myself, it seems to me so.
Q You didn't go in until January of 1883 did you; your first record is a record of now of the 11th of January 1883, as shown on the book, isn't it? A I don't recollect in that regard.
Q How would they take testimony in the case, then continue it, as you say they generally do about that? A I think they decided on the case at the term in which they took testimony.
Q Can you say whether or not this testimony was taken in this case at the time it was decided or at the same time it was decided, or within a week or two of the time it was decided? A My best recollection is that it was taken at the term in which it was decided; the case was taken on testimony heard that the decision was made on the conclusion of the testimony.
Q I will now ask you October 4th, 1880, on your docket, the following entry reads: "It is agreed by the parties that this shall finally be disposed of at the next January Term," It should be January, 1881, "if the clerk is not ready to write, the case shall be continued to the September term, 1881; if taken and the Court can continue the case till the [illegible] January term, 1882, [illegible] you had

January and a portion of October ter ; and this decision was rendered in the January, 1902 term. Was Baker's testimony on an entire day in January, 1902, or was it the decision and opinion ? A I find it impossible for me to recollect those facts that are recorded there; without I can say about that, that the record shows the correct statement of the facts, but I can't recall those facts.

Q Well there is a record here that this case was continued on the 16th day of January, 1902, upon agreement that it should be taken from the 6th day of October, 1902. Your record shows that there was nothing done in the case from January 16th, 1902 until October 6th, 1902; would you say that was correct? A I should say it was correct if it is shown on the book; it is supposed to be a correct entry of the facts.

Q I will let you see the book for yourself; I don't want to misrepresent one end of it to all. (Shows entry in book to witness.)

A I can't recall those facts in regard to the agreement.

Q You took down the testimony of the witnesses in court? A I took it down.

Q You took down the testimony of Dr. Baker? A Yes.

Q He was cross examined by counsel for the Nation? A As to that I don't recollect. He was present, he was always present; I think likely he was cross examined.

Q And that testimony was taken at or near the time when the judgment was rendered in January, 1902? A I think it was, my impression is to that effect.

Q Well the court seems to have had no session as to this case from January 16, 1902 to October 6th, 1902, according to the record? A (No response.)

Q You don't recall the testimony of anybody else testifying in the case? A No sir, I don't.

Q And the probability is that he was the only witness examined, isn't he? A It might have been so. My recollection is that he was regarded as the main witness of the case.

Q He was quite an old man, about ? of that time? A Yes, he was quite old.

BY MR. McKINNON:

Q The testimony of Dr. Arthur Baker, from this record, appears to have been on an January 16th, 1902: is that correct as far as you may know, or are able to state? A Is that Dr. Baker's testimony? (Attorney there exhibits witness papers) A It appears to be, yes; I don't think that was the testimony that was the case decided upon, because his testimony was to be orally before the Commission, and I wrote it down; I was let to go by it. (Attorney hands paper to witness.)

A Well, all I know about this is as I stated before, I can't recall those facts, but whatever the record says why I say that the record was made correct, according to the fact. (Witness to refer to the testimony referred to to refresh his memory.) I don't understand it readily, very clearly to my own mind, but I gather from the subject matter it is that testimony that it is a report with Dr. Baker's statement; in exactly word for word I am not able to say, but that is the tenor of the testimony.

BY MR. McKINNON:

Q Is it the testimony you endeavored to get down in your ? And state that you could if this is it, in your own nearly word for word, as I could not it. Only as there was a little variation made necessary by the length of witness' statement.

BY MR. McKENNON: Applicants object to all of the witness' testimony relating to the method of taking the testimony of witnesses at the trial, the character and effect of that testimony, and the number of witnesses, except so far as the same may be used for the purpose of testing the memory of the witness, because the same is incompetent, irrelevant and immaterial.

R. F. FORTNER, being first duly sworn, and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A R. F. Fortner.
Q What is your age? A 54.
Q You are a physician are you not? A I am.
Q Where do you reside? A Vinita, Indian Territory.
Q Do you hold any official position in your position? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the Legislative Committee of the Indian Territory and of the American Medical Association,-those are some, and the most important positions I hold at this time.
Q Are you a Cherokee citizen? A I am.
Q By blood or intermarriage? A Intermarriage.
Q Your wife is a citizen? A Yes, sir.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.
Q Do you know his general reputation in the community where he resides for honesty and uprightness of character? A I do, I think.
Q Is that good or bad? A It is good.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A About six or eight years, don't know exactly how long; known of him for ten years and personally I have known him about say six or eight years.
Q Do you know his general reputation for truth and veracity? A I do.
Q Is that good or bad? A It is bad.

BY MR. HASTINGS:

Q Mr. Du can belongs to the same church you belong to? A Yes, sir.
Q And has for a number of years? A Well now I say I think he does; I have always so understood.
Q Don't keep up with all your members? A No, but he has attended church there and my impression has been that he is a member of the church.
Q You didn't have any business before the Citizenship Court of which he was clerk, did you? A No, sir, not that I know of.
Q You was not at Tahlequah while he was clerk of a Court from 1902 to '3? A I don't believe I was.
Q Never had any business before that Court? A Had no business before there, not while he was Clerk so my knowledge.

BY MR. McKENNON:

Q You spoke of his membership in the church; he is in good standing as a member of the church is he? A Yes, sir.
Q I will ask you if Campbell Taylor's reputation isn't notoriously bad? A Yes, I have so understood it.

BY MR. HASTINGS:

Q I will ask you if it was notoriously bad, and if these people employed him to represent them before the Court? A Not as before my knowledge of it.

Q But so far as you know his good reputation dates back so far as you know him? A So far as I know him.

G. W. MILLER, being duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A G. W. Miller.
Q What is your age, Mr. Miller? A 61.
Q Where do you reside? A Vinita.
Q How long have you lived there? A Well I have lived there altogether about 13 years I guess, or 14.
Q Are you a citizen of the Cherokee Nation? A No, sir.
Q What is your business? A Real estate and insurance agent.
Q Do you know D. F. C. Duncan? A Yes, sir.
Q How long have you known him? A I have known him twenty years.
Q Do you know his general reputation for honesty and uprightness of character where he lives? A Why yes sir.
Q Is that good or bad? A It is good, so far as I know.
Q Do you know Campbell Taylor? A Yes, sir.
Q How long have you known him? A Well I have known him 18 or 20 Years, I guess.
Q Do you know his general reputation for truth and honesty? A Well yes.
Q Is that good or bad? A Well, it is bad, I think.

ATTORNEYS FOR CHEROKEE NATION waive cross examination.

W. H. CURTIS, being first duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A W. H. Curtis.
Q How old are you, Mr. Curtis? A 56.
Q Where do you reside? A Afton, Indian Territory.
Q How long have you lived in the Indian Territory? A 30 years.
Q What is your business? A Lumber business.
Q Do you know D. F. C. Duncan? A I do.
Q How long have you known him? A About 30 years.
Q You know his general reputation for honesty and uprightness of character in the community where he lives? A I do.
Q Is that good or bad? A As good as any man's.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A Some 20 years, I suppose.
Q Do you know his general reputation for truth and integrity and honesty? A Yes sir.
Q Is that good or bad? A Bad.
Q Is it notoriously bad? A Yes.
Q Did you ever known Dr. Baker, Dr. A. B. Baker, of Berryville, Arkansas? A Yes sir, I knew him in '68 and '69.
Q Where? A Over at Berryville; I ran a saw mill in that country at Berryville.
Q Did you know his general reputation so far as honesty and uprightness of character and truthfullness? A Yes sir.
Q Is that good or bad? A Good sir. Good as any man's; he is a good Christian gentleman.
Q Did you know him well enough to know his habits of life? A Yes sir.
Q Was he in the habit of taking liquor, drinking liquor? A Not that I know, of sir, I never saw him take a drink in my life.

Q Was the character of his family such as to preclude any such charge against him? A It was, yes sir.

BY MR. FERNANDEZ:

Q How long did you know Dr. Dupont? A Two years.

Q What done he do there? A He was an old gentleman that he lived with on the edge of Jacksville, Mr. Baker.

Q How old do you think he was then? A I think he must have been 65 or 67 years old and was feeble and

Q What was in it was that, too? A No sir, it was in '68 and '69, the two years that I lived over there.

Q He had retired from practice? A Yes, sir.

Q Did he have any family? A Yes, sir.

Q What family did he have? A I don't know how much family he had. I was very acquainted with the old gentleman.

Q He wasn't doing any business with anybody? A No sir.

Q And the character was never called in question one way or the other was it? A No sir, no sir.

Q Campbell Taylor knew a whole lot more than I probably ever will, you even knew his character? A Yes sir, I never knew much good of him.

Q And whenever a man has a bad character he got Campbell to work it, because he was notoriously a rascal, that's it sir? A Well a great many of them got him.

Q It was a notorious thing that they had a bad case they would get him, it would sort of give a case a bad odor to have Campbell around it? A Yes, that would be right.

Q You never knew anything about Mr. Dupont's connection with Little Rhinestone? A No sir, never did.

Q You never heard about his changing some of the records of citizenship cases? A No sir, never did.

Q You have heard lots of talk about this Dawson case? A Yes sir.

Q Rumor has it all around that somebody was doing something wrong? A Yes sir.

Q You never heard a bit of it you think? A I never heard him accused of it, no sir.

Q That report got out from the first day they were white or right to the records? A Well I don't know not the first day, I have heard it for a good while though.

Q But you never knew who had fixed it out? A No sir.

Q They have been a pretty strong family up there in that country haven't they, pretty large family? A Yes sir.

Q Cast a good many votes up there? A Yes sir.

Q Did you ever know of the Doctor's testifying any in court, Mr. Baker? A No sir, I never did.

Q What would you think of a man who would testify that his [illegible] that was single in 1825 when the youngest of her seven children was born in 1837 what would you think, would you think that was a statement to be made by a man who was truthful? A -

BY MR. McMANON: Applicants object to the question because it is wholly incompetent, and not based upon any proof of admitted facts in the case, and it is wholly immaterial and incompetent.

Do you think that was a statement that would be made by a truthful man? A (No response.)

Q You knew him in '68? A Yes sir.

Q He was quite an old, decrepit man? A Yes sir, quite so, in '68 '69.

Q 14 years from that time he was liable to be in his dotage?
A I don't know, he was an old man when I knew him.
Q He was too old to work, and retired from business then? A Well he did retire in good shape, but wasn't doing any business particular here I knew of.
Q He would have been pretty old 14 years from that time? A Yes, he would be getting old.

D. E. HARRE, being first duly sworn and being examined, testified as follows:

BY MR. MCKINNON:

Q What is your name? A D. E. Harre.
Q What is your age, Mr. Harre? A I am 44.
Q What is your business? A I am publishing a newspaper.
Q What paper? A "The Indian Chieftan."
Q Are you editor of that paper? A Yes sir.
Q You live at Vinita, then? A Yes sir.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A 15 or 16 years.
Q Do you know his general reputation in the community where he lives for honesty and uprightness of character? A Yes sir.
Q Is that good or bad? A Good.
Q Do you know Campbell Taylor? A Yes sir.
Q How long have you known him? A Why 15 years or longer.
Q Do you know his general reputation for truth and honesty in the community? A His general reputation, yes sir.
Q Is it good or bad? A Well if is not good.
Q Is it bad? A Well I suppose it must be bad then.

BY MR. HUTCHINGS:

Q You don't know Campbell's reputation to be bad, Mr. Harre, quite a good while, haven't it? A Why I think so, yes sir.
Q And it kind of began mostly with this citizenship business? A Yes, so far as I know it did, yes sir.
Q Campbell got so many bad citizenship cases and through this cause, and they finally had him up about it, had a good deal of stir about it? A Yes sir.
Q And some of that stir was sort of occasioned by him helping the Dawsons in wasn't it? A I don't know, I don't know whether he helped the Dawsons.
Q Was not that one of the principal cases that brought him into notoriety? A I don't know whether he had that case or not. I know he had a great many cases.
Q That was the principal thing that commenced the kind Campbell out, was citizenship cases here? A I think that is what got him into the most trouble.
Q I say before that time nobody had talked much about Campbell one way or another, and it became pretty general that Campbell was handling shoddy citizenship cases, and he got a bad reputation from that? A Yes sir, I think that was the impression generally.
Q Now Mr. Duncan's connection with the Dawson case sort of been kept people never talked much about it? A I never heard anything about it, as I know of.
Q You have heard that there was something, you say, that was in the case, that has been a notorious fact? A Oh it is a notorious case, yes sir.
Q Tell us the fact of Mr. Duncan's reputation for truthfulness has been somewhat given by himself, he confessed it frequently? A So he did.

Q His reputation for truthfulness is unusual given by all people as
A I don't know, rather it is qualified or proper term.
Q [illegible] as good, as good [illegible] frequently?
A [illegible]
Q [illegible] about that sort of thing? A About
Q Why [illegible] in non-intercourse I don't remember
Q You have not heard the [illegible] along in 1861 and
A No sir.
Q [illegible] about [illegible] on around the
[illegible] A No no, don't
[illegible] court [illegible]
Q How [illegible] A Well, I lived
close [illegible] I guess to be sixty miles horseback.
Q Have you lived any nearer Tahlequah since that time? A No sir,
never have.

W. D. Miller, being first duly sworn and being examined
testifies as follows:
BY I.R. Kennedy:
Q What is your name? A W. D. Miller.
Q You are a minister of the Gospel? A Yes sir.
Q W. D. Carter, Sr.? A Yes sir.
Q How long have you been in the ministry? A I have been in the
ministry 28 years, sir.
Q Did you ever live at Vinita? A Yes sir.
Q How long? A I was there four years, sir.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A I have known him, I guess 21 years.
Q Do you have his general reputation for honesty and truthfulness
of character? A Yes.
Q Is that good or bad? A Good, so far as I know.
Q Is [illegible] A Yes sir.
BY MR. [illegible]:
Q Mr. Duncan was a member of your Church? A Yes sir.
Q That is the reason why you had of coming in contact with him?
A Yes sir, he was a member of my official board.
Q His connection with Cherokee affairs that were decided by the
courts of which he was clerk was never brought up in your presence
[illegible]? A No sir.
Q He never discussed? A No sir, I know nothing about his
connection with it.
Q You didn't live about or near Tahlequah in '83? A Yes sir, I
was Pastor of the Methodist Church in '87 at Tahlequah.
Q Did you hear about the Dawson case, or other cases settled over
there by the Cherokee Court? A No sir, I know nothing about the
cases, I was only [illegible] Cherokee was in session, and I remember
that in one [illegible] the Convention, but knew nothing about
the cases that were decided at all.
Q Never heard anybody discuss the cases that were decided?
No sir.

THOMAS A. CHANDLER, being first duly sworn and being examined, testified as follows:

BY MR. ANDERSON:

Q [illegible] A [illegible]

Q [illegible]

Q [illegible]

Q [illegible] A I am the Deputy Clerk of the United States Court at Vancouver.

Q How long have you lived in the Cowlitz Nation? A All of my life.

Q Do you know [illegible]? A Yes sir.

Q How long have you known him? A Let me see, I have known him about nine or ten years.

Q You know the general reputation for honesty and truthfulness of character in the community where he lives? A Yes sir.

Q Is it good or bad? A Good so far as I know.

Q Do you know Campbell Taylor? A Yes sir.

Q How long have you known him? A I think about 15 years.

Q Do you know the general reputation for truth and honesty? A Yes sir.

Q [illegible] A Bad as far as I know.

MR. ANDERSON: [illegible]

Q How did Campbell Taylor get a bad reputation? A Why sir, I don't know how he got it.

Q You never knew him until 1883? A Well I never knew him personally, I heard of him before that.

Q He had a bad reputation before 1883? A Yes sir.

Q Bad reputation way back yonder? A First I remember I ever heard of him, I knew people would speak bad of him, when I was a kid.

Q And everybody, all around in the Nation and knew anything at all about Campbell had a bad reputation? A Yes sir, ever so far back as '79 or '80, that is as far back as I can remember; I think I heard it spoken of in '80, I think that's about the time.

Q And Campbell got a very bad reputation in '80 and '81 when we began to have those citizenship cases? A Yes sir.

Q You heard him spoken of frequently and being one of those [illegible]? A Yes sir. I heard of him being in the Fort Smith Jail on that account.

Q Citizens of the Nation talked a good deal about Campbell's being in those bad citizenship cases? A Yes sir.

And I also heard he had a bad reputation for paying his debts, also, about the same time.

Q You don't recollect whether he had the money, he might not have had the money to pay his debts? A No sir.

Q He could have kept out of bad citizenship cases? A Yes sir, I suppose he could.

Q You never heard Mr. Duncan mentioned before in connection with the Barnum suit, citizenship cases? A No sir, I don't think I have, I may have, but I don't remember hearing it.

Q General impression that everybody had done something wrong with that matter, citizenship cases? A I heard there was something wrong in connection with the Duncan citizenship cases.

Q [illegible] A Yes sir, I have heard it my entire life all over the country that I can hear them speak.

Q [illegible] A [illegible] never investigated? A I don't know about that, I don't think it has ever investigated, I never heard of it.

Q So they never [illegible] him [illegible] A No sir.
Q Where do you live in Ark. A In [illegible] Dick Brook
about 12 miles southeast of Yellville.
Q How far from Yellville and Cecil A About 65 or 70 miles, I
reckon.
Q You never were [illegible] A No sir.
that time? A No sir.
Q You can't say [illegible] A No sir.
BY MR. [illegible] I object to all of the testimony
of this witness as to what [illegible] about the
character of this woman cited, because the man is married,
is [illegible], irrelevant and immaterial.

I. M. HARMON, of counsel for Applicants, being first duly sworn, takes the following statement:

I was a resident of Carroll County, Arkansas, early in 1896. I was intimately acquainted with Dr. Arthur Baker, for many years. I knew him well as I did my own mind. He was a gentleman of the highest Christian character, so recognized by everybody who knew him. He was a member of the [illegible] and never drank liquor. I [illegible] this statement here in vindication of that good man's character than for any other reason, because any imputation against his character is false.

BY MR. HASTINGS:

Q How long did you know him? A I resided in Carroll County until 1897 when I moved to Benton County, Arkansas; during the war I was away from home, but I knew him intimately every year that I resided in Carroll County.

Q Did you know his wife? A Yes sir, I have seen her several times. I have [illegible] visit in the home of the [illegible] I relations to the [illegible] when he [illegible] always to inquire about Dr. Baker, and [illegible] information I could after I left [illegible] I lived there.

Q Did you know [illegible] in 1896 when you were a member of this Constitutional [illegible] A Yes sir, I have known him all my life as I was [illegible].

Q [illegible] know who you were a member of this Convention [illegible] on the [illegible] James Rogers owned? A I knew it every day of my life, in 1896 as well as now.

Q Do you think Doctor Baker [illegible] A I [illegible] should swear that he was born in the year 1850, and because he told them he was 46 years of age that year? [illegible] was a widow [illegible] Dr. Baker [illegible] school, was the oldest unmarried [illegible] and her mother [illegible] Dr. Baker [illegible] that time? A [illegible] the youngest of the [illegible] born in '30, how could you know [illegible] with a man who was an infant [illegible] A Whatever Dr. Baker stated he honestly believed, whether it was right or wrong; whether it was error or truth, he honestly believed it, and stated it as he believed it.

Q He [illegible] because of being in error? A Every man is.

Q I say he must? A Yes sir, just as you and I and every man, he would [illegible] merely wishes me to [illegible] character, which could be proven, [illegible] every man does always. I think, I know it.

Q The Constitution rejected James J. Round in 1896, of which you were a member? A I don't remember anything about that personally.

TESTIMONY ON BEHALF OF CHEROKEE NATION.

DAVID MEREDITH, being first duly sworn, and being examined, testified as follows:
BY MR. HUTCHINGS:
Q State your name? A David Meredith.
Q Where do you reside? A Vinita.
Q How old are you? A 60 years old.
Q Did you ever know James Dawson? A Yes sir.
Q How long have you known him? A I knew him probably 8 years.
Q Did you ever have any talk with him about his citizenship case.
A Very little.
Q You were at one time an applicant before the Dawes Commission for citizenship were you not? A Yes sir.
Q Well what did Mr. Dawson tell you with reference to his citizenship, as to the cost of his suing it, if anything? A Well he told me it cost him eleven or twelve hundred dollars to get his case through.
Q Where did that conversation take place? A At Afton.
Q What time? A It was in '98, spring of '98.
BY MR. McKENNON:
Q Where were you when he told you that? A I was working on a house in Afton, building the house.
Q Whose house? A S. S. Haines.
Q Who else was present? A Rainer was present.
Q There is not? A At Afton.
Q What age was Mr. Dawson at that time? A I don't know, he was very old, probably 75 years old.
Q Was he not a very feeble man? A Yes sir.
Q Hardly able to get around? A No sir.
Q Was he not looked on as feeble minded old man? A I don't know whether he was so regarded or not.
Q You don't know what he had to do with the case, in fact, himself, do you? A No, I judged it was himself and family that cost that much to get through, attorney's fees, etc. That is the way I took it anyway.
Q You were an applicant yourself were you not? A Yes sir.
Q When? A At that time.
Q Before the Cherokee authorities? A Yes sir.
Q They rejected you? A Yes sir.
Q You have an application then before the Dawes Commission now? A Yes sir, been rejected ever since.
Q Ah, you still an applicant? A Yes sir.
Q Still trying to get in? A Yes sir.
Q Claiming by blood? A Yes sir.
Q How long have you been living in the Cherokee Nation? A 15 years.
Q Where did you come from? A Indiana.
Q Claiming to be a Cherokee citizen? A Yes sir.
Q Indian? A Yes sir.
Q James Dawson is dead is he? A Yes sir.
Q How long has he been dead? A I think he died probably within two years after that.

TESTIMONY TAKEN ON BEHALF OF THE APPLICANTS.

E. H. Dawson, being recalled and further examined, testified as follows:
BY MR. McKENNON:
E. H. Dawson? A Yes sir.

Q Mr. Dawson, what relation of your family came to the Cherokee Nation in 1829 and became citizens of the Cherokee Nation, Robert Dawson, and the members of his family, to Cherokee citizenship?
A My father first married a Indian.
Q Tell his name? A Elbert Dawson, they all came up by mule.
Q When was that? A In '31, and it as I remember of '32, I can't say which it was in '31 or '32.
Q Did your father make application at that time? A My brother, yes, the application, registration and land there to take it out and file it. That is my understanding.
Q And I mean, who officiated as Clerk of the Cherokee Nation?
A Yes sir.
Q Before what court was that filed? A I understanding was the Clerk of the court. Hastings can tell us what court he was a Clerk of.
Q He was Clerk of the Court at that time? A Yes sir, of the citizenship court, that's my understanding.
Q That was done about his case at that time, if you remember? A I went back home and left my brother down there at that time, that trip.
Q Where did you then live? A I lived at Fayetteville, Arkansas.
Q When did you next come to the Cherokee Nation? A I believe I came back the next January, that was in September.
Q Was your brother then here then? A I don't think he was, I don't remember.
Q Well had he at any term of the Court of session of the Commission at any time after you first came here and filed the application until after it was decided? A No sir, I never set at any more until that case was decided.
Q You completed the business then after it did you not? A Yes sir.
Q The case was finally determined in January 1837? A '37, yes sir, the 11th day as I remember.
Q Were you present at that session? A Yes sir.
Q Was there any decision of that case other than the one of record here? A I never heard of it if there was.
Q Was the judgment rendered in that case as recorded in the record book of the Commission now in the custody of the Dawes Commission the only judgment that was rendered in that case so far as you know?
A Yes sir, so far as I know, if there was any I never heard of it in that case.
Q You then knew of no decision against you in the case? A No sir.
Q Who was your attorney employed at the beginning? A I employed A. H. Rowland.
Q Was he a Cherokee citizen? A Yes sir, I think so.
Q Where did he live? A At Clarksville, to my understanding.
Q Was he present at any time before the Commission? A I never saw him, he never was there before the Commission.
Q Did you pay any money? A Yes sir.
Q How much? A Fifty dollars.
Q Did he ever render any services? A If he ever did I never knew it.
Q Well then who did you employ? A My brother employed Joel Bryant.
Q Was he a Cherokee citizen?
A That is my understanding.
Q Was he not a prominent Cherokee citizen? A Yes sir.
Q What services did he render? A Well sir, I don't know whether he rendered any or not, only he met me at Tahlequah, and he was before the Commission; whether he rendered any services

or not I don't know; he was generally always at Muscogee ; City during the term there.
Q Well what did he do about it? A I can't know; I couldn't say whether he done anything about it. That is Mr. Bryant, he was always gone.
Q What next was done about the employment of an attorney? A Why I got a letter from Joel stating that he was going to Washington City and for me to come down in January term and Campbell Taylor would represent my suit before the court.
Q Did he say that he had engaged the services of Campbell Taylor the attorney, to attend this in his absence? A Yes sir, in his absence.
Q Have you got that letter? A I don't think I got the letter.
Q Well what did you do then? A Why when the time come I come down on the city to Muskogee here and I come over from here to Fort Gibson and I come down to see Uncle Houston Benge and stays all night with him; it was very cold weather, and I got him to go over and submit my case to the court; I went over one day and the next day Uncle Houston Benge come over and the next morning after he come over the case was submitted.
Q Did he submit the case? A Yes sir, he told me so.
Q For you? A Yes sir.
Q Were you present? A I was present until they went to take the vote on the case and then we was drove out of their room and they had a secret session, actin' on the case.
Q For Houston Benge present with you? A Yes sir.
Q Were you in the court when he submitted it to them? A Yes sir, when he made his argument.
Q He made an argument before the Commission? A Yes sir.
Q Was the decision rendered on that day? A Yes sir.
Q How long after he made his argument and submitted the case? A Was not but a little bit; when we kept drove out of the house the first time before they went into secret session they wanted me to get up the cigars to the court and I was found in the house; after the decision was rendered I was to get up the cigars, and everybody come to me and told me to go and get the cigars and I done so.
Q And you took the cigars there and all? A Yes sir, everybody, the attorneys and all that was in the house, all had a big smoke.
Q Did they then announce their finding in the case? A Yes sir, they told me that I was granted by citizenship right and by the Commission.
Q What did you do about it then? A Why the clerk wrote me out my certificate.
Q That same day? A That same day.
Q What arrangements did you make with Mr. Benge about his fee, and what was the amount of his fee? A There was no arrangement made until we got up there and he submitted our case; then he wanted me to pay, the charges is fifty dollars, that was his fee.
Q That was the agreement about the matter, the manner in which that fee should be paid? A My brother in Texas was to pay it.
Q Were you to write or was he to write? A He was to write for me.
Q Did your brother in Texas ever pay his fee of fifty dollars?
A Yes sir.
Q Was that all that was to be paid? A All that was to have; that was charges to.
Q You have his state at when you was in the Commission at Fort Gibson the other day did you not? A Yes sir.

Q [illegible] you said $[illegible] dollars before [illegible]
[illegible] to Pollard and [illegible] A No sir.
Q Did you not pay him fifty dollars after you got away to
[illegible] for you to sell? A I never paid him anything in my life.
Q Did you pay him anything? A I never did. Q Did you [illegible]?
A I went to Arkansas.
Q [illegible] A I went by Silver Springs and on by String Bale
[illegible] Pollard [illegible] by
Silver Springs [illegible]
Q You know did not return to Fort Gibson with [illegible], do
you [illegible]? A No sir, I did not.
Q [illegible] you go [illegible] Fort Gibson? A Well I thought
[illegible] Arkansas [illegible] road [illegible] think going out
by Silver Springs where I was boarding at, I could go to Silver Springs
and I went by that route and then [illegible] going by
String Bale, that was the most direct route.
Q That was the most direct route from [illegible] was it not? A Yes
sir.
Q And [illegible] A By the shortest route.
Q What you mean by being [illegible] Fort Gibson you would have been
going directly away from [illegible] you not? A Yes sir.
Q Fort Gibson is nearly east, [illegible] east of Tahlequah was it not?
A Yes sir, little north of east, [illegible] east.
Q While Fort Gibson is almost due east is it not? A South east.
Q You heard Mr. Mayfield state that you went to Fort Gibson with him,
and he was sued, you state to him that I was to reach the court
[illegible] Indian and you reached him through Dutch with five
hundred dollars, did you hear him state so? A I never did, I
didn't [illegible] five hundred dollars to reach him.
Q Did he white at Tahlequah in the court room during evening
before this judgment was rendered in your favor, tell [illegible] you that
the court had rendered a judgment against you? A No sir.
Q And did you then say to him, you would fix that? A I had no such
conversation with him.
Q Did you pay to D. M. C. Duncan, who was the Clerk of the Court
any sum of money, or agree to pay him any sum of money, directly
or through any other person for any services he might render you
by way of influencing the court to decide in your favor? A No
sir.
Q Or for any other purpose? A No sir.
Q Did you pay him any money after that through Cal Ball Taylor?
A Yes sir.
Q What amount? A 30 or 35 Dollars. I don't know which it was.
Q State what that money was paid for? A For A claim.
Q What do you mean by a claim? A Claim on the public domain; he
had a claim up there close to [illegible] paid him 30 or 35 dollars [illegible]
claim [illegible] by me, on the Cherokee Public Domain.
Q What did Cal Ball Taylor have to do with your case?
A He had nothing to do with it.
Q Did you agree to pay him any money for his services as an
attorney? A No sir.
Q Did he perform any services in that case for you as a representative
of [illegible] Agency? A No sir.
Q Did you pay him any money? A Yes sir.
Q On what account? A He [illegible] to me and said he had the claim
[illegible] for Cal Ball and wanted me to pay him the money and
I [illegible] me.
Q What amount A Three hundred dollars.

Q [illegible] A [illegible]
Q Did [illegible] Joel Bryant, did it come out? A Joel Bryant was a [illegible] Joel Bryant, Joel Bryant paid [illegible] Campbell Taylor, one hundred dollars or twenty-five dollars; that is all I ever got back, sir.
Q How did you get that 25 dollars out of it, Mr. Duncan? A I kept after him, and telling him to let that money back to me, he rendered no services [illegible] all and the money was to go to Joel Bryant, and I finally worked on the loyalty or twenty-five dollars, that is, if I ever did get that.
Q The amount that he paid to Duncan? A Yes sir.
Q Was this money paid to him, this one hundred dollars, while you were there at the time the [illegible] or was it next to his retirement? A I think it was paid then, as well as I remember about it.
Q You think it was paid then? A Yes sir, that's my recollection now.
Q Did you send him one hundred dollars after you got home from there, subsequent to the rendering of that judgment, after it was rendered I mean, directing him to pay fifty dollars of that money over and to D. W. C. Duncan? A No sir.
Q Did you send him a second one hundred dollars with such direction?
A No sir.
Q Mr. Duncan, do you [illegible] it cost you personally in all to obtain the citizenship in the Cherokee Nation under this judgment? A Pretty near it I do.
Q Well about what sum? A About five hundred dollars, pretty near 500 dollars. That is what I considered, I was bent out of some of my money, what I was bent out of and expenses.
Q Now I take a statement of what that money was paid for and how, so far as you remember, itemize that now? Well the first fifty dollars Haywood got; the next fifty dollars he got; that was the attorneys fees; I speak of the attorneys fees now; the next money was the hundred that Campbell Taylor got; the next attorney fees was Bryant's one hundred dollars.
Q Was that all the attorney's fees? A I think it was, no, wait, I paid Ross 15 dollars for taking Baker's deposition.

Q Which Ross was that? A The old Chief, Will Ross I think was his name, William P. Ross.
Q So then, this Chief William P. Ross for taking the deposition of Dr. Baker charged you fifteen dollars? A Yes sir.
Q Do you remember that that was before your attorney was examined [illegible]? A Yes sir.
He examined it before the Commission, took his statements.
Q What other attorneys were there present? A None of this was present.
Q Well now, go on? A Was the expenses of taking Dr. Baker and he was a Doctor, he will as I guess he charged me 5 dollars a day and I guess time and his expenses down there; we come through a mail from Fayetteville, Arkansas, to Muskogee and our and our expenses amount I think it was about 75 dollars that trip we [illegible] Maybe a little over that.
Q Did you pay his per diem? A I paid him five dollars a day for his time and then his expenses.

Q Well? A Well I made several trips out here at different times, to Tahlequah before the Commission, and back, three or four trips as well as I remember now, cost me 30 or 40 dollars each trip, as I remember about it.

Q Do you remember now any trips aside from the one in which you brought Dr. Baker? A No, I think there was probably three trips I think it was, maybe more, and then I made one trip to Claremore by way of A. M. Harwood.

Q What did that trip cost you? A I don't remember what it cost: I went in a wagon down there.

Q You went through and employed hands, went by railroad: what did that trip cost you? A I don't remember what it was, whether it was $1 dollars or 11 dollars, one of the two of it, I don't remember which it was: Joe Bayson, or whether I've got the money, it was either $1 or $1 dollars.

Q Now then is there any other expense that you know of that was paid by you or your family, any members of your family, other than what you have mentioned? A I don't remember any other now: I can't call to my memory right now.

Q What was the condition of the matters of your family generally now, financially, at that time? A Well we were considered poor people: I don't know, we didn't have much money, scarcely any.

Q Was there any one of them that was better off than the others, and if so, which one? A I suppose Albert Bryson was better off than the others, was D Bryson.

Q Do you know how much Buck D Bryson paid of these expenses? A I don't think he paid, he paid the Bruce debt and the Bryant debt, I think it was.

Q That is one hundred and fifty dollars? A Yes sir, that he came up on one trip and taken more evidence with Joel Bryant when Joel Bryant was Clerk of the Court before this Tahlequah Court, I don't know what that cost him.

Q Came up and then not to testify? A Yes, came up and went back to Texas. Filed his claim and took some testimony and went back to Texas and I didn't see him.

Q Did that testimony include Dr. Baker's testimony? A No sir.

Q You know how many witnesses were examined then? A I only know what he told me.

Q How many? A Four witnesses.

Q You know whether they were residence of the Cherokee Nation or not? A He told me they was.

Q Were you present on that trip in which he came there and took that testimony? A No, I met him there and then I went back home and left him at Tahlequah.

Q He took on the testimony before you left him or afterwards? A He taken it afterwards: that was my understanding.

Q Did Buck furnish only the one hundred fifty dollars that you now remember? A I think it was.

Q And the expense of taking those witness up there A Yes sir.

Q You also furnished money now of the members of your family? A My brothers and father lived down in Berryville, me and my brother-in-law, Blasingame, we all chipped in together a few dollars from each family.

Q You heard the statement of C. C. Brought that in June that you told him that it had cost you 700 dollars, did you make any such statement to him A I never did.

Q And that you paid and witness 500 dollars? A I never made any such statement.

Q Did you have any witness any such sum? A No sir, I paid Dr. Baker for his time; he said his time was worth $ dollars a day, sir, and I paid it.
Q Did you have any other witness than that? A No sir, he was the only witness I took down there in my case.
Q Well the Robert Dawson case? A Yes sir.
Q You say that you told him this in your house there on your place, did you have any house there in June 1887? A I was not living on my farm at that time.
Q Did you have any farm? A Didn't have any.
Q When did you build a house there? A I built a house on the farm I live in now by Dr. Brought, I moved on the farm the last of July, 1883, and I owned in my wagon.
Q What did you do? A I went to the timber and cut poles and logs and built me a log cabin on the place by a spring near Dr. Brought.
Q About what time did you finish that house? A I it was in September.
Q How long after you finished that house until you brought your family out? A I finished it up and got it covered and the floor in it and I went back to Eureka Springs after my wife.
Q What family did you have then? A I had my wife and she had one child; but my oldest children, by my first wife were with me in the Territory, coming with her three little boys and one girl here with me, and one girl back in Arkansas.
Q Are you and C. G. Brought on good terms? A No sir.
Q What has been the character of the trouble between you? A Trouble over our places first started it.
Q When did it begin? A As soon as I got back from Arkansas he commenced plowing around me out to the edge my farm and my fence, and we have been in a racket ever since.
Q Then his statement that you were on friendly terms, is it correct or not? A No sir, it aint correct.
Q He and you have never been friendly as neighbors then since you first came back from Arkansas and settled in the Territory? A I don't remember ever being in his house; I never was in his house.
Q Have you had law suits with each other? A Yes sir.
Q How many? A I don't know that we had any particular law suits, but I have had law suits and he has been a witness against me.
Q That was your last trouble with him, when I mean? A Along last fall.
Q That was when your boys had a little racket and he had your boy arrested? A Yes sir.
Q What was the age of those boys? A Eleven years old.
Q He had him arrested down at Vinita? A Yes sir, had him arrested and carried before the Commissioner at Vinita.
Q He was discharged on account of his age? A Yes sir.
Q Jack Dawson is dead is he? A Yes sir.
Q How long has he been dead? A Three years, little over three years.
Q And Jarea Dawson is dead? A Yes sir.
Q Is your father, Robert Dawson living? A No sir.
Q When did Jarea Dawson die? A I don't remember, been dead several years, I don't remember how long, 6 or 7 years, I couldn't state.
Q When did your father, Robert Dawson die? A I believe it was in 87 as I remember now, I wont be positive.
Q Had all these moved to the Cherokee Nation before their death? A No sir, father died in Arkansas.

Q Those that lived here in the Nation they lived here in the Nation but went back to Arkansas and died there? A Well the rest of my folks all lived here. That was James Dawson and Buck Dawson.
Q Robert Dawson, your father, never did move to the Territory, did not A No.
Q Did you hear the statement of the witness Beavert this morning, that about the time of hearing of the James Dawson case, at a negro church at night James Dawson was down there with someone else was introduced to him, and he loaned him ten dollars; did you hear that statement this morning? A I heard the statement, yes sir, I heard it.
Q He says that then James Dawson was 30 or 40 years old; was there any James Dawson living belonging to your family at that time of any such age? A No sir.
Q How many James Dawson's were there belonging to your family? A There was my uncle James Dawson and my brother James Dawson, the Doctor here.
Q How old was your brother James Dawson then? A He was a tolerable old man, I don't know his age.
Q About what age? A I just have been 60.
Q Between 60 and 70? A Yes sir.
Q That was the age of your brother James? A At that time?
Q Yes sir, in '84? A In '84 I suppose he was about 18, something like that.
Q Had he anything to do with the James Dawson case? A No sir.
Q Was he present at the time that the James Dawson case was under consideration? A No sir.
Q Was James Dawson, your uncle James Dawson, present at any time during the consideration of his case? A No sir.
Q He never was present? A No sir, if Uncle Jim Dawson was ever in Tahlequah I never knew it.
Q Who conducted the prosecution of the James Dawson case before the Cherokee Citizenship Commission, who conducted it? A The James Dawson case?
Q Yes sir? A I think James Low and Will Jackson and Campbell Taylor.
Q Were you acting with them? A Yes sir.
Q They employed Campbell Taylor? A Yes sir.
Q Then there was no James Dawson present during that session of the Commission? No sir.
Q What was the condition of James Dawson's health at that time?
A It was pretty poorly; was not good.
Q Was he at that time able to get about and attend to business?
A I don't think he was.
Q Was he not a very feeble aged old man at that time? A Yes sir.
Q He acted as rather a silly man did he not? A Yes sir.
Q Did he attend to any kind of business of the family at that time?
A No sir, didn't.
Q What was his financial condition? A Pretty bad.
Q Did he have any money? A No sir.
Q Did he have any property? A None hardly at all; horse probably, or a cow or two, something that way.
Q Was that about all the property he had? A Yes sir.
Q How about the other members of his family that were admitted at that time; what was their financial condition? A They were in poor circumstances.
Q Now then after these judgments were rendered that members of your family removed to the Territory, Cherokee Nation, I will say?
A Robert Dawson and family and James Dawson and family, that is, the and their children.

Q Robert Dawson didn't remove here? A No, I said except Robert Dawson.
Q Did all the members of Robert Dawson family move here? A Yes sir.
Q Except himself? A Yes sir.
Q And all the members of James Dawson family? A No, not all the members, Melvina Low I don't think ever lived here.
Q She has never moved here? A No sir.
Q Well all the members of your family, your father's family included in that judgment of the Committee, rendered January 11th, 1893? A All but one.
Q What was the name of that one? A Mina.
Q A daughter? A Daughter of Robert Dawson.
Q Your sister? A Yes sir.
Q Was she then of age or was she a minor? A I think she was a minor, as well as I can remember.
Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.
Q By Commission or by the Cherokee Council? A She was first admitted by the Spears Court, her and two of my neices.
Q What were their names? A Katie Vernon and Verna Fishback.
Q What became of that? A The certificate papers they got was lost, and they went before the Council in 1894 andthey was readmitted back by the act of Council.
Q That was in 1894, the Cherokee Council admitted, re-admitted as they called it, the three above named? A Yes sir. Mary and Verna Fishback and Katie Vernon, they have now the same names except Vernon, it is not, Bob Robinson married the widow, a neice of mine.
Q Now then was there any other consideration of the Dawson case by the Cherokee authorities at any time aside from these two judgments in '87 and '94 admitting the two families of Robert and James Dawson, and the act of Council of '94 admitting these three that you have just named? A Yes sir.
Q When? A Why two of my sons was placed on the roll by the act of Council in 1892 I think it was; left off of the rolls in per capita payment and they was placed on the rolls I think, and Sam Hitchcock member of Council, got their draft or checks for the money.
Q Have you got that copy of the act of Council admitting them?
A Yes sir.
Q There is it? A (Produces papers.)

BY MR. McKENNON: We offer in evidence an act of the Cherokee National Council making an appropriation of 20,000 dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount set opposite their respective names, provided that the Principal Chief shall draw warrants for such amounts, and further provided "That the names of the persons appearing on the per capita rolls in this act shall be placed (on) the authenticated roll of 1880 by the Principal Chief."
This act was approved December 21, 1891.
Approval signed by Stephen Tenee, Assistant Acting Principal-
In this list appears the names of William R. Dawson for payment of $17.70, and of Marion Dawson, for a like sum. Are these the names of two of your sons? A Yes sir.
(The paper above introduced, is filed and made a part of the papers in this case.
Q Are there any other action of the Cherokee authorities relating to members of your family? A Yes sir.

Q Then? A In 1894.
Q What was that? A Allowing them their strip money.
Q Have you a copy of that? A I think I have. (Produces papers.)

BY MR. McKENNON: We offer, in evidence a duly certified copy of an act of the Cherokee National Council approved November 24, 1894, signed C. J. Harris, Principal Chief. Senate Bill No. 19, appropriating a sufficient amount of money to make payment per capita of what is known as the strip money to certain persons named therein. Among them are members of the Dickeninger family, as follows: Jane, Elbert, Henry, James Ross Lerrie, Pearl, Roe, Myrtle, Minnie and Clifford; this act mentions these persons as Cherokees by blood, and whose names had been left off the pay roll approved May 3, 1894, providing a payment to each one of these a sum of $265.70.

Q Were these members of the Robert Dawson family? A Yes sir.
Q Which one of the members of the family? A Jane.
Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.
Q And her children? A Her children, was not admitted, she was admitted.
Q I mean this mentions her children here? A Yes, that mentions her children.

(The paper last above introduced is filed and made a part of the record in this case.)

Q Do you know whether the payment of the Cherokee Strip money was to Cherokee citizens by blood only or not? A Yes sir.
Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A Why the Douthett children, my brother's grand-children. Two grand-children of E. Dawson.
Q When was that? A That, I think it was in '84.
Q Have you got a copy of that act? A No, the record is here.
Q Was that by the Spears Court? A Yes sir, by the Spears Court.

BY MR. McKENNON: We now offere in evidence a judgment of the Cherokee Commission on Citizenship, 1880 and 1884, found on page 190, case No. 181, dated September 9th, 1884, signed by Dll Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Lula Dowthett and Dallas Douthett as Cherokees by blood.

Q These now are the Douthetts to which you refer, are they? Yes sir.

BY MR. McKENNON: Attention is called to the fact that the names of the Commissioners are all signed in the same hand-writing as the record of the judgment.

The said judgment record above introduced, and found on page 190, No. 181, record of 1880 to 1884, is as follows:

"Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, September 14th, 1883.

E. Dawson, for his grand-children, No. 181.
Lula Douthitt,
Dallas Douthitt,
vs
The Cherokee Nation.

C. H. Taylor, Atty for Claim.

Petition filed September 14th, 1883.

Case submitted by claimants Sept 14th, 1883.
Case submitted by Solicitor, Sept. 14th, 1883.
Continued by Petitioner from 22 Book to September Court 1884.
Re-submitted September 2nd 1884 by Attys Taylor and Benvert

Submitted by defense Sept 3 1884.

And now on this the 15th day of September 1884 comes this case for final hearing and all the evidence in the case having been carefully read, and considered by the Commission on Citizenship it has been decided by the Commission that the above named Lilla Dawhaus and Dallas Dawhaus are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

Eli Spears, Jr. A.
John Lee,
John L. Adair, Andrew Young,
City Com'n, Commission on Citizenship."

Q Now have there any other actions of the Cherokee authorities of like character relating to the members of your family?
A I don't remember of any others.
Q I will ask you if when the Cherokee authorities were making the roll of 1896, in compliance with the request of the Dawes Commission for a roll to be prepared by them for the use of the said Commission, the question of the citizenship of the members of your family was not then raised and an investigation had in regard to it? A Before the Dawes Commission?
Q No, before the Cherokee Commission making the roll of 1896, of which John T. Carter was a member? A Yes sir, yes. I had forgot it, but since you have named it there was some investigation of that at that time; this is what I understood.
Q That roll shows that the members of your family were duly enrolled by the Commission? A Yes.

Q Have you and the other members of your family since your removal to the Territory in 1883 and immediately following been recognized as Cherokee citizens by blood? A Yes sir.

Q Have you been exercising and enjoying all the rights of Cherokee citizens by blood since that time? A Yes sir.
Q You and all the members of your family are living in the Cherokee Nation? A Yes sir.
Q You have all drawn Cherokee moneys whenever payments were made? A Yes sir.
Q And have you all male members been voting at the Cherokee elections or in the Cherokee elections? A Yes sir, I was one of the judges of the elections that was held voting on the treaty.
Q What treaty? A The treaty bill that was sent back here for the Cherokees to vote on; I was one of the judges at Afton.
Q In what year was that? A I believe it was last spring some time, last April.

Q Have any of you held any offices in the Cherokee Nation? A Yes sir.
Q What offices have the members of your family held? A Deputy Clerk, under Pete Hastings, when he was clerk of Delaware District, I was a candidate once for Council in the Bunch Party.

Q Can any office of deputy clerk be held by any one else except a recognized citizen? A Only by a citizen, yes sir.
Q Is that all? A (No reply).
Q Have the children of members of your family attended the Cherokee schools, and been educated in Cherokee schools? A Yes, sir.
Q Have the members of your family been all the while subject to the jurisdiction of the courts of the Cherokee Nation? A Yes sir.
Q Have they been tried for any offenses against the laws? Yes sir.
Q And have they instituted their civil suits in the courts of the Cherokee Nation? A Yes sir.
Q And had suits instituted against them in such courts? A Yes sir.
Q Some of these cases have gone to the Supreme Court of the Cherokee Nation? A Yes sir.
Q And were passed upon by that tribunal? A Yes sir.
Q Is there anything else? A Nothing now; I am sick this evening; I have got the head-ache so bad I can't hardly see.

BY MR. HUTCHINGS:

Q How old was your father Robert Dawson when he died? A I don't know, I couldn't say or that.
Q He was a very old man? A Yes sir, he was getting tolerably old.
Q Could you tell how much older he was than you? A No I don't know.
Q Mr. James Dawson in 1884 must have been a very old man mustn't he? A Well he was old and he was feeble.
Q Well you stated that he had been sick: was he naturally that way? A He used to live in Texas; I didn't know him until after he came to the Territory.
Q I say he had gotten so old, that was the occasion of that? A I suppose so, the oldest one of these children was Mrs. Betty Peter, that's my understanding.
Q And the oldest boy was John Dawson? A He always called him Jack.
Q Jack Dawson he was the oldest? A Yes sir.
Q Sam was the youngest? A Sam Riley.
Q He was the youngest one of the crowd? A Yes sir.
Q Your father lived four or five years after he and you were admitted to citizenship? Yes sir, something about that, it was in 1883, I think he died in 1888, I wont be positive; that is as near as I remember now. I have got a headache so bad that I can't remember anything.
Q He nor none of the older members of the family were ever present at any of these trials of citizenship? A No sir, not a one of them.
Q Not a one of them was ever called upon to testify as to the blood of their mother, who she was or anything about it? A I don't think they was.
Q Your claim of kinship was through Captain John Rogers and that your grandmother was the half sister of Sly Joe Vann, wasn't it? A I don't know, I couldn't answer the question.
Q You were there when they took the testimony? A I was there when Mr. Baker's testimony was taken, that was about 15 years ago.
Q And nobody kin to the Rogers and Vanns was ever called to testify in the case? A Not as I know of.
Q They were very well known Cherokee families in the country? A I suppose so, I don't know.
Q And yet nobody on any side of the family connected with it was ever called to testify A Not that I know of, I don't know whether brother John, he was some of the evidence at Tahlequah when I was not there; he first filed his claim.

Q You ha' spoken to Dr. Baker about the testifying before you brought your case didn't you? A No sir.
Q That must have been a short time afterwards? A It was a short time afterwards. I went back after it and it was too late and I fetched him the next time.
Q You had talked to your brother about what you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our folks.
Q You had told him in a general way you expected to use Dr. Baker as a witness? A Yes sir.
Q You went off, came to Arkansas and left your brother at Tallequah after you told him that fact? A Yes sir.
Q You didn't see your brother any more until after you were admitted? A No sir.
Q You and he however made trips back and forth to Tallequah and home at different times, but you didn't happen to get together? A No. I never told him any more and I don't know what he was there until after we were admitted.
Q But you were there and brought Dr. Baker over? A Yes sir.
Q And took him testimoney a year or such a matter before ever you were admitted? A I think as well as I remember, yes sir.
Q How the way you came to get Campbell Taylor was on the recommendation of old man Bryant? A I didn't get him, didn't have him.
Q The way he came into your case? A The way he claimed to come in.
Q He did more in your case than Bryant did? A Campbell didn't do anything.
Q What did Bryant do? A I think he help my brother take evidence my brother employed him.
Q How did you happen to be sending money by Campbell to Mr. Duncan? A I never sent him any money.
Q Then when he, Mr. Duncan, states that Campbell delivered the money as Campbell said he did, both were wrong? A Oh no, you are mistaken, Mr. Duncan got 20 or 25 dollars, which he stated, from Campbell Taylor, for me.
Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryant, and he wouldn't do it, and I tried to get the money back from him, and I finally worked the 20 or 25 dollars he gave to Duncan.
Q Then you didn't tell Duncan as he testified that you sent 20 or 25 dollars by Campbell Taylor? A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for me of the money I give him to give to Joel Bryant.
Q The family kept Campbell Taylor employed though as their attorney after that? A In the James Dawson case I think so.
Q E. Dawson, you remember, had him for his grand-children? A That is my understanding.
Q And your uncle James Dawson had him in the case of his children? A Uncle James had nothing to do with it; James Low and Will Jackson got him; that was my understanding of who employed him.
Q The record here shows that the case was originally instituted by C. H. Taylor and was finally submitted by him September 2nd, 1884, in the James Dawson case? A I don't deny him being in that case.
Q You say he was employed in the E. Dawson case? A I don't know who was in the Dunbelt children's case.
Q The record shows that Campbell Taylor instituted the case, and it was finally submitted by him, and Mr. Beavert, who testified a while ago? A That was in the James Dawson case, wasn't it?
Q That was in the E. Dawson grand-children? A Elbert?
Q No, in the Dunbelt children's case? A Oh yes.

Q He was likewise attorney in the Mary Dawson case was he, and before the Adair court, the 4th of October, 1897, in the case of James K. P. Dawson? A I don't know anything about that.
Q And the case Illowine of Riley Dawson? A I don't know anything about those.
Q They are relations of yours? A Well I couldn't say.
Q James K. P. Dawson proves to be a son of Riley D wson? A Well if he is he is no connection then. There are so many Dawsons I don't know them all.
Q You know Andrew J. Dawson? A Yes sir.
Q The Dawsons have so many children their brothers didn't hardly know them did they? A That's it, I don't know them.
Q Well then you don't know who Andrew J. Dawson is? A No sir, I don't know.
Q He refers in his application as being a cousin of E. Dawson, and yourself, who were admitted to citizenship by the Tahlequah Court? A He may be, I don't know nothing about it.
Q He resided I believe, at that time at Nevada, Missouri? A I don't know anything about other people.
Q Old man Baker was an old and paralyzed man at the time he testified wasn't he? A Getting old, he was not paralyzed.
Q Then the statement made that the reason he couldn't write his name and had to make his mark, because he was paralyzed, in the testimony isn't that true? A He didn't have good use of his fingers.
Q Then he was not paralyzed? A No, I brought him over there in a hack from Bunnyville, Arkansas.
Q Well I say he was a very old man? A Yes, getting old.
Q How didn't you come to this place and there joining Brought's and work on it some time before you brought your family? A No, I brought my family with me, except my wife.
Q And you subsequently built a log house on it? A Yes sir.
Q And went back and got your wife and moved them to the log house? A Yes sir, went to Dardanelle and got my wife.
Q You never saw your grandfather at all? A Sam Dawson, yes sir, I saw him.
Q You remember do you of being with him much of any at all? A I was in Texas in time of the war, with my uncle Riley Dawson, and he was there.
Q In '60 sometime? A '63, I reckon, or '64. Somewhere along there, it was in time of the war.
Q How old a man was he at that time? A Pretty old man.
Q You never saw your grandmother, she died before she came?
A Yes sir, I never saw her at all.
Q Who first started the citizenship matter, your brother in Texas or you? A Why it was me, and my brother together.
Q I mean who first conceived the idea? A I first commenced talking about it.
Q And went down for him? A I was in Texas with him and then in Arkansas; I went backwards and forwards a time or two after the war.
Q About that time nearly everybody in Arkansas were trying to get some claim of kinship to Cherokees? A No sir, not at that time.
Q They were getting pretty thick in there in 1880? A Well in 83 and '4 and '5 I think.
Q Been much excitement over there to get yourselves on the rolls?
A Just got to be everybody; but it wasn't at the time we were admitted there was not much stir about the rights here.
Q Well the Watts had been admitted before that? A I suppose they had; there was not much excitement over the Watts claim at that time.

BY MR. HASTINGS:

Q You did locate and board with Sam Stubbles when you first got to Tahlequah in '81? A I think I did.

Q Your brother Enoch Dawson stayed there also? A Yes sir.

Q Sam Stubbles lived at the north end of town, old Sergeant? A Yes sir, old German, lived in the lower part of town.

Q Did you ever hear the names of any other witnesses which you stated perhaps testified in your case? A I have heard them but I have forgot them.

Q You don't recollect one name now? A I dont remember them now sir.

Q In the Irene House case and Joann Barber case, in which you testified before the Commission, when you were making search for this testimony you couldn't find any other testimony from that of record except the Dr. Baker testimony, could you? A That's all we could find; no we didn't find the testimony, we got a copy.

Q Well it must have been a copy of the original, the certificate shows that? A I don't know; House got a copy of what claimed to be the affidavit of Baker and he told me to give it to him; that is all I know about it.

Q Well the certificate there does not bear my certificate does it? A I don't know about that, I am no scholar.

Q Well you didn't get the testimony of any other witnesses except that of Dr. Baker; you couldn't find any other over there of record? A I didn't hunt for any; House hunted for them.

Q None of you have ever been able to dfind any other? A No. Not even find our petition.

Q Samuel P. Dawson applied to what is known as the Adair Court, didn't he? A I don't remember now.

Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.

Q The father of these two parties who testified here this morning? A Well I don't know, they claimed to be, I never met them to know them.

Q He was rejected by the Adair Court, or Hayes Court? A I don't know whether he filed his petition.

Q Did you testify in his case? A I don't remember; I might more dont it.

Q Didn't you testify in the Andrew J. Dawson case before what is known as the Hayes Court? A I don't recollect, if I did I don't remember.

Q Did you testify in the Riley Dawson case? A No sir, not that I remember.

Q Didn't you know of his being rejected by that court? A I don't remember, sir.

Q You know that the Cherokee Council never authenticated the roll of 1896, don't you? A No sir, I don't know it; I didn't know this was done until I went to Tahlequah after some papers and come back and they told me about it.

Q You never found out that C. H. Taylor was a big rascal up until the present time have you? A (No response)

Q The records here show that he has been in the constant employment of your family from that date up to this time? A Why it shows here from the record: I would rather be excused for my part of it.

Q You were the man that had most to do with it? A I never employed him, I deny that.

Q You are the man that had most to do with this record? A In my case and in my father's case.

Q Didn't you testify for your uncle Jim Dawson? A Yes sir.

Q Wasn't he attorney for him? A Yes sir.

Q Wasn't he employed by Jim Dawson after you got your citizenship?
A Why not but the grand-children.
Q Jim Dawson's petition was filed in September 1883, after yours?
A Yes sir.
Q C. H. Taylor, attorney of record, filed his petition? A He might have filed it for all I know.
Q Well you hadn't at that time fallen out with C. H. Taylor had you? A Why no, we never did have any trouble, only over this money, he never would give it back to me or give it to Bryant.
Q You never discovered that he was such a bad man until after your judgment was rendered? A I know he was not of good character.
Q Are you and Wright, this man who testified for the Cherokee Nation, on speaking terms? A Hardly speak.
Q Does he refuse to speak to you? A So etimes he does.
Q Do you refuse to speak to him? A Yes sir.
Q Have you been speaking to him for the last two or three months? A I have not spoke to him until I met him there at the hotel the other day.
Q First time you spoke to him since he had the boy arrested? A Yes sir.
Q When did he have the boy arrested? A Along in September or October, September I think.
Q When did Dr. Baker die? A I don't remember.
Q You don't remember how much older your father was than you? A No, I don't know.
Q What is your age? A I will be 60 in May.
Q Then you were born in '42? A Yes sir, '43 according to the record.
Q Was your father as much as 25 years old when you were born? A I couldn't say.
Q What was your best judgment? A I suppose he was 20 or 25 years old. My understanding he married young.
Q Can't you give any better idea than 4 or 5 years of your father's age? A I say 25.
Q Your father was born say, 25 from 43 would have made him be born in 1817; now had your father any older brothers or sisters? A I think Jack Dawson was the oldest of the family, no, Betty, the girl, was the oldest and Jack next, and then my father as well as I remember about it.
Q There were two girls older? A No, one of the girls I never saw.
Q Then you think there are only 3 older than your father? A Yes, that's my understanding of the family.
Q Dr. Baker gives his age 73 in '82, which would make him be born in '89, now he states that when he was 15 or 16 years old, which added to 1809, will make 1824, that your grandmother Anna Priest, was a school girl; whereas from your testimony and that of the family history introduced here shows that your grandmother Anna Priest was the mother of seven children, the youngest being born in 1827, how do you reconcile that? A I don't remember about the statement of Dr. Baker; I don't know that he made such statement as that, I don't remember about it.
Q And if he did you don't know how to reconcile it? A (No response.)

Q Did you talk to any of the members of the Court that admitted you? A No sir, I was not acquainted with them.
Q You know whether they were old or young men? A They were old men like; Steve Tehee. I got acquainted with him afterwards, and Jo ie Thompson, at the Council you know I was there a good deal.

Q That was the fellow that was on the bench? A Yes sir.
Q He was afterwards assistant chief of the Cherokee Nation?
A I think so.
Q Steven Foreman, that's the man you had reference to? A Yes sir, I think it was, I just knew the man; I had no acquaintance with him at all.
Q D. W. C. Duncan boarded when you were down there at the National Hotel? A I think he did, as well as I remember now when we were admitted.
Q Don't you know he did? A I think he did, as well as I remember.
Q Were you over there to his room? A I think I was.
Q You remember what it was that you brought Dr. Baker down there to make a statement before the Court? A It was in January, I was in January Term of 1882 I believe, it was, as well as I remember about it.
Q Well you didn't take any more testimony after Dr. Baker testified?
A Not sir, I think.
Q But your case was not submitted or passed upon for a year?
A I think it was, yes sir, as well as I remember.
Q I would like to have you when the Blackings family came to the Cherokee Nation? A Alex Blackings came with me when we moved here, and went back and got his family and moved that fall.
Q Did he move his family here that same fall? A Yes sir.
Q What year was that? A In the fall of 87 I believe it was, as well as I remember now.
Q When did the Bulanka family come? A I think the girl and the old lady came in the next spring.
Q How long did they remain that time? A The old lady stayed here, but the girl went back and in a short time her and her husband came back.
Q Did she come back until after her marriage? A No, she was married when she came first.
Q The last time? A She was married I think, she was married when she came out.
Q How long has August Bulanka been a permanent and continuous resident of the Cherokee Nation? A I think he came there in the fall of 1884 or 1885, I must say which.
Q How long has Robert Pierce been a continuous resident of the Cherokee Nation? A Ever since he was admitted.
Q When was that? A '83.
Q How long has Martin L. Patterson? A Ever since he married his wife, and he was living here before he married his wife.
Q Who is Arizona Airey? A That is my daughter.
Q Did you bring her with you? A No not when I moved.
Q When did she come? A She came out in a year or two after I moved here.
Q Was she married when you moved here? A No sir, she was not married.
Q She was not married when you were admitted? A No sir, she was a child.
Q When did Jim Love come to this country? A With his grandfather, James Dawson.
Q What was his mother's name? A Melvina Dawson.
Q You know Jim Love's age? A No sir.
Q Don't know how old he was in '83? A No sir.
Q Was he grown? A I think he was.
Q Married? A No no.
Q Married in this country? A Yes sir
Q Who is James H. Hanson? A Married one of the Jackson girls.

Q When did they come to this country? A Right away after they was admitted.
Q In what year? A I think the winter of '84, I think it was, spring or winter of '84.
Q You knew Gideon Graham? A Yes sir.
Q Who is his mother? A Missouri Ann Graham, formerly Missouri Ann Dawson.
Q Did he come from Texas to Arkansas? A Come from Texas.
Q Did you know them in Texas? A I knew the girl.
Q You never knew them until they came to this country? A I never knew Gid.
Q When did you see her first? A I think they came here in the fall or winter of 1894 or '5.
Q He was married then? A I think so was.
Q Know it his wife? A I think he was, I don't know.
Q Did he have any children when you first saw him? A He came to Tahlequah and I never saw his family for I don't know, for several years.
Q You understood he had a family? A Yes sir.

BY I.E. McKENNON:

Q Did you mean to say '84 or '94? A '84.
Q Did you see Gid Graham in '84? A '84, let me study, maybe '85.

BY I.E. HASTINGS:

Q Did you see him in '85, are you positive on that proposition? A I think so.
Q Will you swear it? A No sir, I won't swear it positive swear it, but I think it was, as I remember now it was; I couldn't say positive.
Q All the people Mr. Dawson that have been admitted to citizenship by courts of competent jurisdiction while they were de-citizenised by courts of acquired jurisdiction, enjoyed the same privileges that you have narrated here about going to school and being tried in the courts? A Yes sir.

Q All that sort of thing that you have been telling here in your direct examination? A Ask me the question again.
Q I say all people who were admitted here by courts of competent jurisdiction, until they were de-citizenised by courts of like jurisdiction, enjoyed the same privileges that you did? A So far as I know they can.
Q They all drawed money and all tried in the courts as long as we had tribunal courts, were they not? A Yes sir, so far as I know.
Q There was no special privilege granted to you in preference to anybody else? A None but recognized citizens of the Cherokee Nation.
Q Well you had been recognized since you were admitted? A Yes sir, I enjoyed the same privileges of native born Cherokees.
Q Well I say there is nothing special about it? A No, I don't know as there is.
Q You got acquainted with Mr. Duncan while you were up there during the hearing? A Yes sir. I was acquainted with him, knew him, when I saw him.
Q Mr. Bill Rose did the examination of Dr. Baker? A Yes sir.
Q Did you file any other paper before the Court other than your petition and then Dr. Baker's statement? A I never filed any petition there at all.
Q None whatever? A I don't remember any.
Q Well you never had occasion to file any papers before Mr. Duncan? A I got him to do some writing for me.
Q What? A Letters to my brother in Texas.
Q Mack Dawson? A Yes sir, W. Dawson.

Q That? A Yes sir, Nick Dawson.
Q Well is that all he did for you? A I don't remember now about it.
Q Why didn't you get your attorney to do that letter writing? A There was not any there.
Q Taylor nor Bonge was not there then? A No sir.
Q What is that you paid the 20 or 25 dollars for, was writing this letter back to your brother? A I paid him for that claim.
Q When did you pay that? A I think I paid it, I don't exactly when, Camp Taylor paid it a year or two after I found out here and settled where I did; might have been 3 years. I don't remember.
Q Where was Duncan living then? A I couldn't say where.
Q Was he still clerk of this Court? A No sir, not when that money was paid; that is, when Camp Taylor said he paid it.
Q You did send Camp Taylor some money? A I sent some money to him for Joel Bryant.
Q You knew Joel Bryant's address didn't you? A No, I don't know that I did, No I didn't send Camp Taylor any money, I gave it to him.
Q How much did you give him? A One hundred dollars.
Q When? A Right at that time; he claimed it from me as soon as we got our papers; he come onto me and dunned me for Bryant.
Q You never sent him any then after that? A No sir.
Q Did you ever see Bryant after that? A Yes sir
Q How long after that? A I don't know, a year or two afterwards. a year I believe, my brother wrote, I wrote to my brother about paying Camp Taylor money and he went onto my brother about it and he never paid him until we moved out to this country.
Q After all that you got him to attend to your uncle Jim Dawson's and the other relatives cases? A The other parties did.

BY MR. McKENNON:

Applicants object to all that part of the witness' evidence in response to interrogatories by representatives of the Cherokee Nation which relates to the character of the evidence upon which the judgments admitting members of the James and Robert Dawson families were admitted, and to the history of the members of the Dawson family, because the same is immaterial, incompetent and irrelevant.

BY MR. McKENNON:

Q One question I omitted to ask you Mr. Dawson, as to the Court at the time the judgment admitting Robert Dawson's family was rendered, who of the judges were present on that day? A They was all three of them, Wolfe, Tehee and Thompson.
Q Are you positive of that fact? A Yes sir.
Q You do not know this Andrew Dawson family who applied to the Dawes Commission for Cherokee citizenship, and who stated that they are cousins of some members of your family? A Andrew?
Q Andrew J. Dawson, who claims to be from Missouri? A How was the question?
Q You do not know them do you? A I don't know that they are any kin to us.
Q You don't know that they are related to you at all? A No sir.
Q This Mary Dawson case, do you know the members of that family? A No sir, I don't.
Q Don't know who they are? A No sir.
Q The Rebecca Dawson case? A I don't know her either.
Q You don't know whether they are related to you or not? A No sir.
Q If any of these persons are related to you or your family did you have any knowledge of it? A Not as I know of.

Q John Barber, do you know anything about them? A They claim to be kin to me.
Q Where are they from? A They are from Texas.
Q Do you know they are related to you? A They claim to be kin.
BY MR. MASTINGS:
Q Will you swear for the entire two Commissions? A Yes; they claim to be kinfolks of mine.
BY MR. McKENNON:
Q Irene J. Haines, who is that? A That is a cousin of mine; claims to be.
BY MR. MASTINGS:
Q You testified for her, didn't you before the Commission? A I think I did on that as I remember.
BY MR. McKENNON:
Q Before the Court, that admitted Jo on Dawson and family, who were the witnesses there? A Oliver Miller, from Pennville, Arkansas.
Q Who were the others? A Myself and J. Dawson and there was two other witnesses, I don't remember who they are.
Q Were they Cherokee citizens and residents of the Cherokee Nation? A Yes sir.
BY MR. MASTINGS:
Q You don't remember their names? A Right.
Q Of those other people who claimed to be citizens of the Cherokee Nation and who were in Oklahoma? A I don't know about Ro and J. Dawson were citizens of the Cherokee Nation.
Q You only proved that Jim Dawson was a brother of Robert Dawson before the Court? A Yes sir.
Q And they returned back to the Commission in the Court before? A Yes, -- except that they were citizens, and he knew my folks before he ever came here.
Q He is older than Dr. Baker? A About the same age.
Q Why didn't you get Oliver Miller's testimony in the Horse case? A He was dead.
Q You and no member of your family in the Irene House case or the Johnnie Barber case or any of those cases that were tried before the Dawes Commission in your affidavits ever had reference to the fact that Oliver Miller testified in Jim Dawson's case in '84 did you? A I don't remember about that.
Q You did make reference to the fact that Dr. Baker testified there in '84, didn't you? A I don't remember about that now.
Q You never made reference to any other witness having testified other than Dr. Baker did you? A I don't remember about it now.
BY MR. McKENNON:
Q Now just one other question: All of these papers in the original application and everything, so far as you know, in the James Dawson case, were filed before the Commission which admitted the Jo on Dawson family, are lost or mislaid are they not? A I suppose they are, I don't know, I never saw them.
Q Have you tried to get copies of them? A Yes sir, I tried to get the original papers.

BY COMMISSIONER: This case is continued until 8:30 A.M., tomorrow morning, March 20th, 1902, it now being the hour for adjournment.

MARCH 20, 1902.- 8:30 A.M.- B. H. DAWSON again on the stand, testified as follows:
BY MR. McKENNON:
Q Where was your brother Jim Dawson raised? A In Arkansas.

Q What County? A Carroll.
Q Near what town? A Berryville.
Q Did Dr. Baker live at Berryville? A Yes sir.
Q Was your brother Will's acquaintance with him for many years?
A Yes sir.
Q Did he know him sufficiently to be acquainted with his character and habits of life? A Yes sir.
Q Do you know Josephine Pierce? A Yes sir.
Q Whose daughter was she? A Robert Dawson's.
Q Is she the same identical person who is called Josie Pierce, and Josie Dawson? A Yes sir.
Q Is there any other Josie Pierce or Josie Dawson or Joe Phine Pierce or Josephine Dawson? A I don't know but the one.
Q She was also called Josephine or Josie Kelly? A Yes, after she married; her first husband was Pierce.
Q And her second husband? A Dan Kelly.
Q There was another Josephine Dawson wasn't there, Bulaski's wife?
A Why they called her Joe, I suppose that's her name, I would not be positive; that was Rile Dawson's daughter, August Bulaski's wife.
Q She is much younger than your sister, Josephine, above referred to? A Yes sir, oh yes.

BY MR. HUTCHINGS:

Q Where were you born, Mr. Dawson? A Carroll County, Arkansas.
Q You know how old you are? A 42.
Q 42? A I think so.
Q How many older children were there of your father's than yourself? A Three.
Q Which were they? A E. Dawson, Riley Dawson and Jasper Dawson.
Q You are the fourth child and the fourth boy? A Yes sir, fourth boy.
Q Where were your father and mother married, do you know, from family history? A I think it was in Arkansas, I couldn't be positive, I think they was.
Q Do you know how long your grandfather lived in Arkansas? A No sir I don't.
Q Don't know what year he came to Arkansas? A Only from statement.
Q Well what did they say about it? A I think they come there some time in '30.
Q You know whether your father was born in Arkansas? How many of your grandfather's children were born there? A There was none of them born in Arkansas according to history and according to what he always told me, they were born in Tennessee.
Q He came there in '30, and all the other children were born on the Hiwasee River in Tennessee, before he ever came? A That is what I think, yes sir. Now I am not positive about that. They were from Tennessee, but either Dr. Baker lived there or my folks come from there; I don't know as I remember that I ever heard my father say where he was born at.
Q In Tennessee somewhere; he said he was a good big boy when he came to Arkansas? A I don't know as I ever heard him say.
Q Do you know the difference in the ages of yourself and your three older brothers? A No I don't.
Q Don't know the time that comes in between you? A No I don't know that; I think it is about two years though.
Q That would make E. Dawson about eight years older than you, probably? A Yes sir.

BY MR. McKENNON:
Q Did Josephine Pierce have a daughter who married Mr. Bogle?
A Yes sir.
Q What was her name? A I always knowed her by Dade Pierce; I don't know whether that is her right name or not.
Q What is Bogle's name? A John Bogle.
Q She is the child of Josephine Pierce who married John Bogle?
A Yes sir.
BY MR. HASTINGS:
Q Where did she marry John Bogle? A Near Afton.
Q When? A I couldn't state.
Q About when? A You have got a copy of the marriage license.
Q When did Josephine Pierce come to the Cherokee Nation? A '83.
Q Has she lived here continuously since that time? A Up until her death; she is dead.
Q Any of her children come with her at that time? A Yes sir.
Q And have they lived here continuously since that time? A Yes sir, except Bill Pierce, he went to Colorado and died.

J. C. STARR, being first duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q Your name is J. C. Starr is it? A Yes sir.
Q Mr. Starr, was that instrument taken by you, or before you? (Showing witness document.)
A Yes sir.
Q Where? A At the residence of S. H. Benge: near Fort Gibson.
Q When? A On the 15th day of this month.
Q What day of the week was that? A On Saturday.
Q Is that the day it was taken? A Yes sir.
Q Did you go there on Saturday to take this? A Yes sir.
Q Then when Judge Benge stated on Tuesday that it was taken "yesterday" meaning Monday, the 17th, he was mistaken, was he?
A It was taken Saturday, the 15th.
Q Was he mistaken or not? A It was not taken then.
Q Then his statement made on Tuesday the 18th that it was taken on "yesterday", meaning Monday, the 17th, was not correct, was it?
A I think not, because I was there, and it was taken on the 15th.
Q And it was taken on the 15th, you are positive it was taken on the 15th? A Yes sir.

Q Then of course his statement could not be correct? A I guess not.
BY MR. HASTINGS:
Q He was just mistaken about the date, wasn't he? A Yes sir.
BY MR. McKENNON:
Q Did you tell Charles T. Moore who is now present, on last Tuesday that they sent you out there on Monday to take that? A No sir.
BY MR. HASTINGS:
Q I sent you there last Saturday? A Yes sir.
Q And you went there at my direction, didn't you? A Yes sir, and came back Saturday night.

ROBERT L. DAWSON, being first duly sworn, and being examined testified as follows:
BY MR. McKENNON:
Q What is your name? A My name is Robert L. Dawson.
Q What is your age? A My age is something close to 30 years old, I am 29 past.

Q Are you a son of E. Dawson, commonly known as Buck Dawson?
A Yes sir.
Q I will ask you if you will examine this letter sent with the enclosure and state whether or not you found that among the papers of your father after his death? A (Hands letter to witness who examines it) A Yes sir, I found this amongst the papers of my father. He always kept all his own papers, and me looking over them I saw this letter.
Q Has that been in your custody ever since you found it? A Yes sir, if that's the letter that was in the envelope.
Q Well that's what it is, you can tell whether it is or not? (witness further examines letter) Q That purports to be a letter from Samuel H. Benge, does it not, to your father? A Yes sir. (Here Applicants' attorney hands letter and ent lope referred to to attorneys for Cherokee Nation.)

BY MR. McKENNON: I want to offer this letter in evidence in this case; it is a letter signed by S. H. Benge, attorney at law, dated Fort Gibson, C. N., Jan. 13, 1883. Addressed to Mr. E. Dawson, Esq., together with the envelope, in which it was enclosed, with the card of C. H. Taylor upon it, attorney at law, Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T., January 13.

BY MR. HUTCHINGS: The Nation objects to the introduction of this letter for the reason that S. H. Benge is living and can testified in this case, and his handwriting should be either proven or denied by himself.

G. W. BENGE, being first duly sworn, and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A G. W. Benge.
Q Are you a son of Samuel H. Benge? A Yes sir.
Q Do youknow his handwriting? A I believe so.
Q Is that his handwriting? (shows witness letter before referred to.) A Yes sir, it is either his or a resemblance of his.
Q To the best of your knowledge and belief is that his letter?
A Yes sir.

BY MR. McKENNON: Now we offer it in evidence.

BY COMMISSION: (Reading letter)

"Fort Gibson, C. N.,
Jan 13th, 1883.

Mr. E. Dawson, Esq.,

Dear Sir:- I write this note to inform you that your case came off before the Court on Citizenship on the 11th inst, and was decided in your favor, so you all are citizens of this Nation. T. M. Dawson was furnished with a copy of the decision at the court. He will write to you also. You will please send me fifty dollars as my fee in your case according to contract. Send it to Fort Gibson, Cherokee Nation.

Respectfully yours,
S. H. Benge,
Attorney at law."

Enclosed in envelope, as follows:
Card in upper corner, left hand:
"Return in ten days to C. H. Taylor,
Attorney at Law,
Tahlequah, Ind. Ter."
Addressed: "Mr. E. Dawson,

Henryetta,
Okmulgee Co., Texas."

Post-marked: " Tahlequah, Jan 17 Ind T."

ROBERT L. DAWSON, -re-called and further Examined, testified as follows:

BY MR. McKENNON:

Q Now examine that and see if that is also a paper which you found among your father's papers after his death? (Hands papers to witness) A That is the same letter that I found.

Q Among the same that you found the Bangs letter? A Yes sir.

BY MR. McKENNON: This is a letter purporting to have been written by J. M. Bryan, to R. Dawson, dated at Chouteau Station, Cherokee Nation, And not dated, which we offer in evidence. (Applicants' attorney hands said paper to Nation's attorneys.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSION: (reads letter)

"Chouteau Station, Cherokee Nation.
I. T., M. K. & T. R. R.

MR. Dawson:

Dear Sir:-

I am in receipt of your favor of the 30th inst in regard to our contract.

After I had got the claim so there would be little more to do I employed Campbell Taylor to answer for me which the case came up, for which I was to pay him $20 out of my fee.

This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, or that you was to pay him $100- and that you had offered him a check on some bank in Texas.

That $100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

And I am satisfied that you are apprised of the earnest work I done for you. Please write to me.

Very respectfully,

Very truly,

J. M. Bryan."

Q I will ask you if you know of your father having paid Bryan that money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A Me, I don't know whether I know his age or not.

Q If you don't know you can't say? A I wouldn't have no reason to know his age; never asked him his age; of course I guess my mother knows.

Q Never had occasion to talk about his age at all? A Oh I have heard him speaking of his age at different times, but then I never paid enough attent on to it.

Old Crahon, being first duly sworn and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A Old Crahon.

Q How old are you? A Mr. Graham? A I am 35 years old.
Q How long have you been living in the Territory? A I came out here in 1887 or '88.
Q To the Cherokee Nation? A Yes sir.
Q How long have you been living in the Cherokee Nation, what year was that '87 or '8? A Yes sir.
Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.
Q How long did you live in the Cherokee Nation? A About 6 years.
Q Where did you go then? A Wagnner.
Q In the Creek Nation? A Yes sir.
Q And been residing there ever since? A Yes sir.
Q In business? A Yes sir.
Q Have you all the while been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q Mr. Graham, do you know Judge Samuel H. Benge? A Yes sir.
Q Did you have a conversation with him in Fort Gibson about September of 1900? A Well as to the exact time I couldn't say, it was sometime about the time that the Dawes Commission were at Sallisaw, or possibly a little later, somewhere about there.
Q Taking the census of the Cherokees? A Yes sir.
Q At that time had the question of the validity of the judgment of the Cherokee citizenship corrission admitting Robert Dawson and family been called in question? A Yes sir.
Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.
Q What did he tell you about it; well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A He did.

BY MR. HUTCHINGS:

Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?
Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.
Q And he told you the judgment was all right? A Having known that Mr. Benge was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I might want his affidavit concerning the matter, and I also I think maybe wrote to him; possibly prior to that, I am not sure as to the writing, but I think possibly I did.
Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would use him in person; he assured me that everything was all right.
Q Your mother was Missouri Dawson was not she? A Yes sir.
Q Her name was Missouri Graham when she was re-admitted to citizenship? A Yes sir.
Q And was not Missouri Dawson as named in that judgment? A Yes sir.
Q Do you know whether the other children named in there had married and changed their names also at the time they were admitted?
A There were not any of them married.
Q Ella Dawson was your aunt? A Yes sir.
Q Was she married at that time? In 1883? A Yes sir.
Q Melvina Dawson, was she married at that time? A Yes sir.
Q And the fourth one you have mentioned, Missouri Dawson, was your mother? A Yes sir.

Q Can you give us the exact date of your birth? A Yes sir.
Q Do so, please? A January 21, 1867.
Q And you came to the Territory when? A In 1887 or 1888.
Q You can't fix that any more definite? A Well sir, it has been a good while ago, and I didn't have anything to cause me to.
Q Well I just want to know whether you did have or not? A No sir.
Q When were you married? A 1886.
Q You were married prior to coming here? A Yes sir.
Q Your first child born away from her? A Yes sir.
Q What is its name? A John W.
Q '86 you were married, and he was born about the spring of '87? A Somewhere in 1887, I don't remember.
Q Prior to your coming here? A Yes sir.
Q That is the only child you had that was born away from here? A No sir, Julius.
Q Julius was not born in the Territory? A No sir.
Q And prior to the time of your removing to the Territory? A Yes sir.
Q These are the only children born out? A Yes sir.

BY MR. McKENNON:

Q Do you know Campbell Taylor? A Yes sir.
Q I will ask you if about February 1901, he came to Wagoner, and sent his son to have you come to the hotel at night where he was, and if he then and there said to you "You people are on the doubtful list, and if you will give me five hundred dollars I will make it all right and)see that you are enrolled, and if you don't I will see that you don't get on".? A Well now as to the first part of thatquestion, where you say he sent his son; that is an error; I don't know whether he came to my house or sent some one; when I returned home that evening my wife told me there was some one there to see me, and was at the city hotel at Wagoner, and said come down and see him; I went down there; I never had met Taylor; he introduced himself to me and stated what his business was; asked me if I was on the doubtful list, etc., to which I replied that we were; he asked me if I didn't want to employ him, stating that if we would give him, our family would give him five hundred dollars he would see that we were placed on the rolls all right, but if we refused to give him five hundred dollars that he would use his influence against us and see that we were rejected.
Q You never had met him before, or had any communication with him? A I never met him before; as to the communication, I may have written him something about his affidavit as to the validity of that judgment, I can't say as to that. He said in his testimony that I did; I don't know whether I did or not now.

BY MR. HUTCHINGS:

Q You knew he was the attorney in the case, originally? A After looking at the records I did.
Q I mean you knew it at the time you wrote to him about the affidavit; that was the reason why you thought he would know something? A Certainly.
Q He never told you he was going to swear against you or threatened to tell anything that was not true? A He just simply said unless we gave him that five hundred dollars he would see we were all put off the rolls.
Q Said he would use his influence against you, that is what he said? A Yes sir.

BY MR. HASTINGS:
Q You don't deny writing to him then for the affidavit? A I don't say I did or I did not; I neither affirm it or deny the question.
Q You went to Dartsid Range and also wrote him with reference to what he knew about the case? A I don't know whether I wrote him or not, I think I was under the impression I wrote his son.
Q You went to see Anson Butler, who was interpreter before that court that admitted you? A Yes sir.
Q And you went with Anson Butler to see Jim Smith, attorney before that court? A Yes sir.
Q And you talked around and went & saw everybody you knew of that was before that court then? A Yes sir.
Q That shows you used considerable activity? A Yes sir, I used such activity as was to my interest.
BY MR. [illegible]:
Q That was all after the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof such as had appeared before the Commission had been placed upon a doubtful case? A Yes sir.
Q Then you began to look up the evidence and see what there was in it? A Yes sir.
Q As Mr. Hastings has stated? A That's right.
BY MR. McKENNON:
Q You are a grandson of James Dawson? A Yes sir.
Q The old gentleman? A Yes sir.
Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1884, wasn't it? A Yes sir, well I can't be exact as to that.
Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.
Q Well now, either James Dawson did you know belonging to the families, either one of these families, Robert Dawson family or the James Dawson family? A I never knew of but two James Dawsons.
Q Who were the others? A Dr. James R. Dawson, who is present and standing right here; my grandfather, James Dawson.
Q Was there in '84 any James R. Dawson 35 or 40 or 45 years old, that you know of, belonging to either one of these families?
A No sir.
Q Do you know how old Dr. James R. Dawson was that time?
A James Dawson? Q No I am speaking of Dr. James R Dawson? A Oh, how old he was, no sir, I do not.
BY MR. HUTCHINGS:
Q Do you know who was here attending to your mother's citizenship case at that time, at the time they were admitted? A Yes sir, James Low and Bill Jackson, son of Ellen Jackson.
Q Who was W. A. Dawson? A That is Wilburn, my uncle.
Q Was he here? A I don't know sir.
Q You were not here any of the time? A No sir.
Q You knew your grandfather then, you had lived in the same neighborhood with him? A Yes sir, I knew him well.
Q He didn't die for a year or two after that did he? A After when, Mr. Hastings?
Q After his admission to citizenship? A No sir, he didn't die I think until '91 or '92, several years after.
Q Very old man when he died? A Yes sir.
BY MR. McKENNON:
Q About what age? A He was approximately 80 years old.
BY MR. HUTCHINGS:
Q When he died? A Yes sir.

By Mr. Blackburn:

Q [illegible] A Yes sir.

[illegible] in the testimony of the [illegible] for the Cherokee [illegible] etc, as being [illegible]

[illegible] being examined,

[illegible] A Yes sir.

[illegible] Indian Territory.

[illegible] A Yes sir.

[illegible] family was settled in 1884, Mr Uzzle [illegible]

[illegible] age was at that time? A No sir, I do not, only [illegible]

[illegible] as you can? A At the time of the [illegible]? A Yes sir, I don't know exactly.

[illegible] A I would estimate he was about 70.

Q [illegible] A I was 25.

Q [illegible] A I was born in '65.

Q [illegible] A Yes sir, that's right.

Q [illegible] A In '89.

Q [illegible] A About '84.

Q [illegible] while the James Dawson [illegible]

Q You were present during your testimony? A I was there at the time.

Q When was that? A The date I remember, when the case first came up, I gave testimony in April 1894.

Q How long were you there? A I got there about a week.

Q You were present at first case as you say? A Yes sir.

Q Nothing was decided? A No sir.

Mr. Blackburn:

Q You never saw it agreed? A Yes sir.

Q Did he tell you [illegible] talk about how they [illegible] A My uncle Jim and Dr. Baker talked.

Q [illegible] A I [illegible] remember.

Q [illegible] A Yes sir, I believe Dr. Baker [illegible]

Q [illegible] A Guessing, [illegible]

Q [illegible] at this citizenship business? A No [illegible]

Q [illegible] A I couldn't tell you, he was an old [illegible]

Q [illegible] A Yes sir.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

W. W. HASTINGS, being first duly sworn, and being examined testified as follows:
BY MR. HUTCHINGS:
Q State your name? A W. W. Hastings.
Q Residence? A Tahlequah, age 55.
Q You are attorney for the Cherokee Nation in the general preparation of these cases? A Yes sir.
Q Just state how it happened that you summoned Mr. Campbell Taylor, and what occurred between you with reference to his testimony?
A Well there had been some talk, as the testimony here indicates, that there was perhaps fraud in the admission of this family, and by agreement with counsel on the other side, and the Commission, this case was set for the 17th day of March, and some short time prior to that, as the attorney for the Nation I began to make some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote C. H. Taylor to come down here. I don't think in that letter that I told him what I wanted with him. I don't think I told him the case that I wanted him to testify in: that is my recollection now. Mr. Taylor prior to that time, neither directly nor indirectly, so far as I know, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I summoned him; perhaps the fact that I knew he had been connected with them in some way and that I perhaps also would get some information from him. Well he came in response to a letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe he could be compelled to testify, and that is he was put upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length: I asked him what he knew about it: of course he for a long time declined to tell me; and what information I did get from him was by piecemeal. He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him.
Well we talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he detailed to me the facts just as he told them on the stand: I don't believe there is the slightest variation, except that he perhaps was not so full at that time and it was told by piecemeal, but I got all those facts out of him, or very nearly all those facts out of him. He may have elaborated a little more here by examination: but he never voluntarily gave me any information at all, either directly or so far as I know indirectly. I don't think he sent any one to me. I got his name because I heard he was connected with the case, and perhaps knew something about it, like I did a great many other people, some of whom I didn't bring, because they didn't know what I supposed they did know about the case.

With reference to S. H. Benge, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. C. Starr over to S. H. Benge's place to take his affidavit on Saturday, March 18, in the W. H. and J. W. Shoemake case, and their descendants. I had heard that Mr. Benge knew some important facts in connection with the Shoemake case and I sent him over there then to take that affidavit. And when Mr. Starr came back he told me that he knew some facts also in connection with these other cases, and I was surprised to find he had instead of one affidavit, in the Shoemake case, that he also had another affidavit in the Dawson case. That is the first information I had that Mr. Benge knew anything whatever in connection with the Dawson case, and therefore he never voluntarily, either directly or indirectly gave any information prior to that time to me.

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not seekin anything else but the truth, and didn't want him to tell anything else but the truth.

I want to say again that after he was on the stand and left that evening, and after Captain McKennon, or counsel for the family, had indicated his willingness for Mr. Taylor to testify, that he went over all of these facts that he testified to on the stand subsequent to that time in the presence of J. C. Starr in my office. I simply wanted to go on the stand for the purpose of showing that Mr. Taylor hadn't voluntarily given me any information, and I make this statement for that purpose.

BY MR. MCKENNON:

Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the persuation that I brought to use.

Q He therefore did it simply upon your persuation? A Yes sir.

Q You knew he had been acting as attorney for these parties?

A Yes sir, I had seen from the record that he did too.

Q And he told you so? A Yes sir.

BY COMMISSION: The attorneys for the applicant and the representatives of the Cherokee Nation will be granted thirty days from the receipt of the transcript in this case in which to file a brief in this case with the Commission.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. Green.

[redacted] autographic
[redacted] the Bore-
[redacted]

Arthur Stevens

[redacted] 29 November, 1902.

[redacted]

[redacted] Brazil.

File with Cherokee D-595, Francis M. Barnett, Jr.

DEPARTMENT OF THE INTERIOR,

COMMISSION OF THE FIVE CIVILIZED TRIBES.

In the matter of the application of Francis M. Barnett, Jr., to be admitted to practice before this Commission, and forwarding the application of

[redacted]	Cherokee	M.	284
	"	D	580
	"	D	601
	"	D	604
	"	D	606
	"	D	626
	"	D	350
	"	D	382
	"	D	358
	"	D	366
	"	D	402
	"	D	403
	"	D	578
	"	D	580
	"	D	530
	"	D	408
	"	D	408
	"	D	431
	"	D	471
	"	D	472
	"	D	479
	"	D	564
	"	D	475
	"	D	538
	"	D	525
	"	D	832
	"	D	833
	"	D	834
	"	D	435
	"	D	604
	"	D	605
	"	D	608
	"	D	614
	"	D	626
	"	D	627
	"	D	609
	"	D	23
	"	D	35
	"	D	838
	"	D	1124
	"	D	1126
	"	D	1126
	"	D	1127
	"	D	1128
	"	D	595
	"	D	476
	"	D	586
	"	D	830
	"	D	847
	"	D	839
	"	D	405

Tatanna Woolley, et al.,	Cherokee	D 405
[redacted] et al.,	"	D 706
[redacted]	"	D 12
[redacted]	"	D 27
[redacted] et al.,	"	D 343
[redacted] et al.,	"	D 344
[redacted]	"	D 349
[redacted]	"	D 757
[redacted]	"	D 646
[redacted]	"	D 672

DECISION

It appears from the record herein that applications were made to this commission at the times and places hereinafter mentioned for the enrollment of the following named persons as citizens of the Cherokee Nation:

D 324 By Francis M. Dawson, son of Robert Dawson, at Vinita, Indian Territory, on September 17, 1900, for the enrollment of himself and his minor children, Lula, Mary, Jennie J., Jacob A., Hugh A. and Laura A. Dawson as citizens by blood, and for the enrollment of his wife Sallie Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 20, 1902.

D 580 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 1, 1902.

D 581 By William M. Dawson, at Nowata, Indian Territory, on October 14, 1900, for the enrollment of himself and his wife, Fannie Dawson as citizens by blood. Fannie Dawson has been differently identified and is not enrolled in this decision.

D 584 By Andrew M. Watkins, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by intermarriage and for the enrollment of his wife, Lizzie Atkins and his [redacted], Edna F., Edward O. and George J. F., [redacted] enrolled. Further proceedings were had in the matter of said application at Muskogee, Indian Territory.

D 938 [redacted], son of Francis M. Dawson and [redacted], at Nowata, Indian Territory, on [redacted], for the enrollment of himself as a citizen by blood.

D 358 By Francis M. Dawson, Sr., at Chelsea, Indian Territory, on November 26, 1900, for the enrollment of his daughter Arizona Allred and his grand-son William C. Allred as citizens by blood.

D 359 By Samuel B. Dawson, at Vinita, Indian Territory, on September 18, 1900, for the enrollment of himself and his minor children, Samuel and Nate Dawson, as citizens by blood, and for the enrollment of his wife Catherine Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 3, 1902.

D 382 By Robert Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by blood.

D 358 By Albert M. Dawson, at Vinita, Indian Territory, on September 18, 1900, for the enrollment of himself and his minor children Ralph H., [illegible] Orvil Dawson as citizens by blood, and for the enrollment of his wife Sarah F. Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 3, 1902.

D 365 By August Bulawsky, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for his wife Josephine, and his minor children Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.

D 482 By John W. Dawson, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Nannie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 402 By Charles J. Dawson, for the enrollment of his wife Katie Newman as a citizen by Blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, 1902.

D 578 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his minor children Robert B., Iola M., Vergal C., Rose E., Charles E., Hattie J., Jennings B. and James M. Dawson as citizens by blood, and for his wife Sarah J. Dawson as a citizen by intermarriage. On November 20, 1901, an affidavit was filed for Vergal C. Dawson, a ninth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 20, 1902.

D 360 By Thomas P. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his minor child Myrle J. Dawson as citizens by blood.

D 530 By Orlo M. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his minor child, Mary E. Dawson as citizens by Blood. On October 31, 1902, a birth affidavit was filed for James W. Dawson, a second child of the applicant.

D 408 By Robert Pierce, at Vinita, Indian Territory, on September

24, 1900, for the enrollment of himself and his minor child Myrtle as citizens by blood, and for the enrollment of his wife Nellie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902. On January 9, 1902, an affidavit was filed showing the birth of Arthur Pierce, a second child of the applicant.

D 409 By William Pierce, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D 431 By Charles E. Pierce, at Vinita, Indian Territory, on September 25, 1900, for the enrollment of himself as a citizen by blood.

D 471
D 472 By John B. Gray, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Oma Gray, his minor child, Cecil Gray, and his sister-in-law, Effie Pierce (now Effie Akins), as citizens by blood. John B. Gray is differently classified and is not embraced in this decision. Further proceedings were had in the matter of this application at Vinita, Indian Territory, on October 4, 1900, and at Muskogee, Indian Territory, on July 21, 1902. On February 18, 1903, an affidavit was filed showing the birth of Velton Gray, a second child of the applicant.

D 479 By John S. Bogle, at Vinita, Indian Territory, on October 2, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nancy J., and his minor children, James E., Edna N., John H., Marvin R. and Claud Bogle as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 8, 1902. On October 31, 1902, a birth affidavit was filed for Nancy Edith Bogle, born since the date of this application.

D 364 By Joseph R. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his five minor children, Clarence E., Council J., Elmer A., Cleo, and Rufus T. Dawson, as citizens by blood, and for the enrollment of his wife, Florence Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 19, 1901, and at Muskogee, Indian Territory, on October 3, 1902. On October 19, 1901 an affidavit was filed showing the birth of Edgar Dawson, a sixth child of the applicant.

D 475 By Wilborn Dawson, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by blood.

D 518 By Charles T. Moore, at Vinita, Indian Territory, on October 4, 1900, for his enrollment as a citizen by intermarriage, and for the enrollment of his wife, Mollie, and his five minor children, Nora, Walter, Clara, Ora and James W. Moore as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 10, 1902, and on March 17, 1903, an affidavit was filed showing the birth of Edna E. a sixth child of the applicant.

D 526 By James R. Dawson, at Vinita, Indian Territory, on October 6, 1900, for the enrollment of himself and his three minor children, Vinnie D., Ermine C. and Edwin C. Dawson as citizens by blood, and for the enrollment of his wife, Martha A. Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 6, 1900, and at Muskogee, Indian Territory, on October 3, 1902, and on September 13, 1901, an affidavit was filed showing the birth of Argil F. Dawson, a fourth child of the applicant.

D 832 By Henry A. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his minor child, Vinnie G. as citizens by blood, and for the enrollment of his wife, Birdie J. as a citizen by intermarriage. Birdie J. Blasingame is differently classified and is not embraced in this decision.

D 833 By Elbert L. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his three minor children Ellis W., Earl D. and Alexander Blasingame, Jr., as citizens by blood, and for the enrollment of his wife Ida, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 6, 1902. On October 31, 1902, a birth affidavit was filed for Elmer E., born since the date of this application.

D 834 By James R. Blasingame, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his two minor children, William A. and George L. Blasingame as citizens by blood, and for the enrollment of his wife, Mary A. Blasingame as a citizen by intermarriage. On February 28, 1901, an affidavit was filed showing the birth of Grace D. Blasingame, a third child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.

D 435 By Martin L. Patterson, at Vinita, Indian Territory, on September 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Zona, and his five minor children, Sarah A., Martha A., Claud A., Elgar D. and Thomas M. Patterson, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 4, 1902, and on October 23, 1901, an affidavit was filed showing the birth of Virgil V., sixth child of the applicant.

D 604 By William G. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Alice as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 3, and October 10, 1902.

D 605 By Robert L. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood.

D 608 By Elbert B. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood. On July 8, 1901, an affidavit was filed showing the birth of Ralph E. Dawson, a child of the applicant.

D 609 By Sarah J. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 15, 1902.

D 617 By Richard F. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself and his minor child Ina L. as citizens by blood, and for the enrollment of his wife, Luella as a citizen by intermarriage. Luella Dawson is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, 1902.

D 626 By Ella L. Spiokerman, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of herself and her minor child, Helen J. Spiokerman, as citizens by blood, and for the enrollment of her husband, John J. Spiokerman as a citizen by intermarriage. John J. Spiokerman is differently classified and is not embraced in this decision. On March 8, 1902, an affidavit was filed for William Glenn Spiokerman, a second child of the applicant.

D 627 By Francis M. Dawson, son of Albert Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself as a citizen by blood.

D 37 By John W. Graham, at Fairland, Indian Territory, on July 12, 1901, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Missouri and his minor children Tamad F. and Robert S. Graham, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2, 1902.

D 35 By Gideon Graham, at Westville, Indian Territory, on July 16, 1900, for the enrollment of himself and his minor children, John W., Julius E., Francis W., Mary E., Jesse E., Gracie L. and Florence M. Graham as citizens by blood, and for the enrollment of his wife Elizabeth Graham, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902.

D 836 By Mathew A. Painter, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverna A. and his five minor children Ada R., Eva P., John W., Ray D., and Roberta A. Painter, as citizens by blood. On December 7, 1900, an affidavit was filed for Ray W. Painter, a sixth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 8 and 3, 1902.

D1124 By Charles T. Bradshaw, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself as a citizen by intermarriage, and for his wife Florence P. and his minor children, Myrtle and Claude Bradshaw as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 30, 1902.

D1125 By Joe E. Graham, at Muskogee, Indian Territory, on Febru-

ary 23, 1901, for the enrollment of himself and his minor child William C. as citizens by blood.

D1128 By John F. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor child Edna M. as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 31, 1902. On October 31, 1902, a birth affidavit was filed for Robert Lee Graham, a second child of the applicant.

D1127 By James Neal, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of his wife, Joe Willie Neal, as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 31, 1902.

D1128 By James M. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor children, Marion, Maggie, Luther, Liddie and Margaret Graham as citizens by blood, and for the enrollment of his wife Bessie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902. On October 27, 1902, a birth affidavit was filed for Floyd Graham, born since the date of this application.

D 395 By Green W. Jackson, at Vinita, Indian Territory, on September 22, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Ella Jackson as a citizen by blood.

D 476 By James M. Harmon, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Flora and his minor children, Lillie R., Claud, Dwight, and William D. Harmon, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 8, 1902.

D 508 By Tommie A. Jackson, at Vinita, Indian Territory, on October 3, 1900, for his enrollment, among others, as a citizen by blood. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 7, 1900.

D 830 By Lizzie Jackson, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children Osie, Lizzie, Jessie, Ray and Clyde Jackson as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 847 By William C. Lenox, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Fannie and his minor children Birtie E. and Myrtle Lenox as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 879 By James Lowe, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his minor children, May, Zelma, Roberta and Rosa Lowe as citizens by blood.

D 406 By Kittie T. Dawson, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 13, 1902.

D 408 By Texanna Woolley, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself and her minor child Irene W. Woolley as citizens by blood. On March 27, 1903, an affidavit was filed showing the birth of Wilburn E. Woolley, a second child of the applicant.

D 716 By Henry T. Richardson, at Claremore, Indian Territory, on October 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Kitty, his minor children Delia F. and Finis T. Richardson and his step-children, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flournoy as citizens by blood. Florence Flournoy is enrolled in another application herein as Florence Morgan (D - 737). Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902, and on August 30, 1902, a birth affidavit was filed for Jasper C. Richardson, born to Henry T. Richardson and his wife, Kittie, since the date of this application.

R 12 By Ella Brauer, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by blood.

R 13 By Melinda A. Dawson, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by intermarriage.
Further proceedings in the matter of said application were had at Vinita, Indian Territory on October 4, 1900, and at Muskogee, Indian Territory, on October 14, 1902.

D 521 By Lula Pearl Weddle, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of herself and her minor children Curtis and Morris O. Weddle as citizens by blood, and for the enrollment of her husband, Elmer F. Weddle as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 14, 1902. October 31, 1902, a birth affidavit was filed showing the birth of Roy Weddle, a third child of the applicant.

D 522 By William D. Douthitt, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself as a citizen by blood.

D 347 By Alonzo M. Fishback, at Vinita, Indian Territory, on September 18, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Laverna A. Fishback and his minor children William A. and Annie B. Fishback as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 2, 1902.

D 737 By Elbert L. Morgan, at Claremore, Indian Territory, on October 29, 1901, for the enrollment of his wife Florence and his minor child Alice as citizens by blood. On April 30, 1902, an affidavit was filed showing the birth of Alice A. Morgan, a second child of the applicant.

D.812 By John B. Pinkbeck, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by blood.

D.878 By George A. Mabry, at Tahlequah, Indian Territory, on December 14, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Dina, and his minor children Roby and Charley Mabry as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, January 15, 1901, and March 17, and October 15, 1902.

Proceedings were had in the matter of F. M. Dawson, et al., before Lewis T. Martin, a Notary Public on October 4, 1900, and further proceedings were had therein before the Commission at Muskogee, Indian Territory on March 17, 1902. All of these proceedings have been made a part of the record herein.

The evidence, and an examination of the records of the Cherokee Nation, in the possession of this Commission show that on January 11, 1883, one Robert Dawson and his adult children, F. M. Dawson, Elbert Dawson, Jasper Dawson, Mollie Dawson, Wilborn Dawson, James Dawson, Rial Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson and John Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship, commonly known as the "Teehee Court", and that on September 9, 1884, one James Dawson, a brother of the Robert Dawson aforesaid, together with his adult children, Ella Dawson, W. A. Dawson, Malvina Dawson and Missouri Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship commonly known as the "Sperre Court." In addition to their tribal enrollment as shown by the evidence herein, it also appears from an examination of the Cherokee tribal rolls, in the possession of this Commission, that F. M. Dawson is identified on the Cherokee pay rolls of 1883 and 1894, Elbert Dawson on the Cherokee pay roll of 1886, Mollie Dawson on the pay roll of 1883, Wilborn Dawson on the pay rolls of 1886 and 1894, James Dawson on the pay rolls of 1883 and 1894, Rial Dawson on the pay rolls of 1886 and 1894, Josephine Dawson on the pay roll of 1886, Jane Dawson on the pay roll of 1883, Joseph Dawson and John Dawson on the pay rolls of 1883, 1886 and 1894, Ella Dawson and F.A.

Dawson on the pay roll of 1896, and Missouri Dawson on the pay roll of 1894.

A majority of the above named persons, together with the descendants of the persons admitted as aforesaid and such white persons as may have intermarried with the said Dawsons or their descendants are the applicants herein.

For convenience, the applications are divided into groups:

Group 1, includes the applications of Francis M. Dawson and those claiming through him and embraces cases numbered D 524, D 530, D 531, D 534, D 538 and D 835.

The evidence shows that Francis M. Dawson is the same person admitted to citizenship as hereinbefore stated under the name of F.M. Dawson. Katie Dawson, his wife, was married to him on November 21, 1880. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married, and the six children included in the application of said Francis M. Dawson, and hereinbefore named are the issue of the marriage aforesaid. All the applicants herein are identified on the Cherokee Census roll of 1896.

John Dawson, William R. Dawson, Lizzie Atkins, formerly Dawson, Francis M. Dawson, Jr., and Arizona Allred are the children of said Francis M. Dawson by a former wife, Julia Ann. They were minors at the date of their father's admission to citizenship. John Dawson, Lizzie Atkins and Francis M. Dawson, Jr., are identified on the Strip payment roll of 1894, and William R. Dawson and Arizona Allred are identified on the Cherokee Census roll of 1896.

Andrew C. Atkins was married under a Cherokee marriage license

and in accordance with the laws of the Cherokee Nation on March 22, 1891, to the above named Lizzie Dawson. He has resided in the Cherokee Nation with his said wife since they were married, and the four children included in his application, and hereinbefore named are the issue of that marriage. The oldest child, Arthur, is identified on the Cherokee pay roll of 1894, and the three younger children are identified by birth affidavits on file with this Commission.

Arizona Allred, nee Dawson, came from Arkansas to the Cherokee Nation for the first time in 1894, remained there about two years and then returned to Arkansas, where she was married to Lee Allred. Such marriage was not in accordance with the laws of the Cherokee Nation. Arizona Allred and her husband came to the Cherokee Nation in 1896, stayed there a month and returned to Arkansas where they remained until September, 1898, at which time they came to the Cherokee Nation, remained there about a year and returned to Arkansas in 1899, where they were living at the date of this application. William C. Allred is the child of said Arizona Allred and possesses no rights not acquired by his mother. He is identified on the Cherokee Census roll of 1896.

Paragraph B, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides:

> "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The evidence further shows that Francis M. Dawson, his wife, Katie and William H. Dawson, Francis M. Dawson, Jr., and Lizzie Atkins have resided in the Cherokee Nation since 1883, and Andrew C. Atkins, the husband of said Lizzie Atkins, since 1891, and that John Dawson has resided in the Cherokee Nation for at least fourteen years prior to the date of his application. The residence of the minor children of the above named persons is considered to be that of their parents, with whom they are living.

Group II, includes the applications of Samuel R. Dawson, together with those claiming through him and embraces cases numbered D 380, D 382, D 386, D 396, D 482 and D 402.

The evidence shows that Samuel R. Dawson is identified as the Rial Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. His wife, Catherine, a white woman, was married to him on July 11, 1866. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since their marriage, and August and Mate Dawson are the issue of the aforesaid marriage. Samuel R. Dawson, his wife and children are identified on the Cherokee Census roll of 1896.

Robert Dawson, Albert H. Dawson, Josephine Bulawsky, formerly Josephine Dawson, John W. Dawson, and Katie Newman, formerly Katie Dawson are the children of said Samuel R. Dawson. They were minors at the date of their father's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Sarah F. Dawson, nee Abbott, was married to the said Albert H. Dawson in October, 1894. She has lived with her said husband, since they were married. Ralph H., Alford and Cecil Dawson are the issue of that marriage. Sarah F. Dawson and her child Ralph H. are identified on the Cherokee Census roll of 1896. Alford is identified by a birth affidavit on file with this Commission. The evidence further shows that the youngest child, Cecil Dawson, is dead.

August Bulawsky, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 26, 1893, to the said Josephine Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. The

four older children are identified on the Cherokee Census roll of 1896, and the Sixty Payment roll of 1894. May Bulawsky is identified on the Cherokee Census roll of 1896, and Oscar Bulawsky is identified by a birth affidavit on file with this Commission.

Hannie Dawson, nee Baugher, was married to the said John F. Dawson on September 2, 1894, and she has lived with her said husband since they were married.

The evidence further shows that Samuel R. Dawson, his wife, Catherine, and Robert Dawson, Albert H. Dawson, John W. Dawson, and Katie Newman have resided in the Cherokee Nation since 1886, August Bulawsky and his wife Josephine, since 1893, and Sarah F. and Hannie Dawson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group III, includes the application of John Dawson, and those claiming through him and embraces cases numbered D 578, D 580 and D 530. The evidence shows that John Dawson is the same person admitted to citizenship in the Cherokee Nation as hereinbefore stated. Sarah J. Dawson, nee Wood, his wife, a white woman, was married to him on October 4, 1871. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married and the nine children included in the application of said John Dawson, and hereinbefore named, are the issue of said marriage. John Dawson, his wife, and his seven older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Thomas F. Dawson and Orle H. Dawson are the children of said John Dawson. They were minors at the date of their father's admission to citizenship, and they are both identified on the Cherokee

Census Roll of 1896.

Thomas P. Dawson was married on April 24, 1898, to Allen A. Hilliard, and Marion J. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Orle H. Dawson was married on December 26, 1899, to Willie York, and Mary E. and James F. Dawson are the issue of that marriage. The said children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John Dawson and his wife, Sarah J., have resided together in the Cherokee Nation since 1883; that said Orle H. Dawson has resided in the Cherokee Nation since 1883, and that Thomas P. Dawson has resided in the Cherokee Nation since 1888. The residence of the minor children herein is considered to be that of their parents, with whom they are living.

Group IV, includes the applications of those claiming through the said Josephine Dawson, now deceased. At the time of her admission she was the wife of one Thomas Pierce, but was admitted to citizenship under maiden name of Dawson. The group embraces cases numbered D 406, D 409, D 431, D 471, D 472 and D 479.

The evidence shows that Robert Pierce, William Pierce, Charles E. Pierce, Oma Gray, formerly Oma Pierce, Effie Pierce (now Effie Akin) and Nancy J. Bogle, formerly Nancy J. Pierce are the children of said Josephine Dawson. They were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Nellie Pierce, a white woman, was married to said Robert Pierce on July 15, 1894. She has lived with her said husband since they were married, and Lyrtle and Arthur Pierce are the issue of that marriage. Nellie Pierce is identified on the Cherokee Census roll of 1896, and her two children are identified by birth affidavits on file with this Commission.

Ora Gray was married to John S. Gray on April 7, 1898, and Cecil and Walton Gray are the issue of that marriage. Ora Gray is identified on the strip payment roll of 1894 and her children are identified by birth affidavits on file with this Commission.

John S. Bogle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 5, 1894, to the above named Nancy J. Pierce. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. John S. Bogle and his two older children are identified on the Cherokee Census roll of 1896, and his four younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said William Pierce died in January, 1902.

It further appears that Robert Pierce, Charles E. Pierce, Nancy J. Bogle and Ora Gray have resided in the Cherokee Nation since 1884; that John S. Bogle, husband of Nancy J. Bogle, and Nellie Pierce, wife of Robert Pierce, have resided in said Nation ever since they were married, and the residence of the minor children herein is considered to be that of their parents with whom they are living. It appears that Effie Akins was seventeen years old at the date of the application for her enrollment, and it further appears that she resided in the Cherokee Nation from about 1886 up to December, 1900, when she went to Colorado, was married there to Will Akins, and is now living in that state with her said husband.

Group V, includes the application of the said Joseph Dawson, Wilborn Dawson and James Dawson, and embraces cases number Ml D 364, D 475 and D 536.

Joseph R. Dawson is identified as the Joseph Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. He was married to Florence Jackson on May 16, 1886, and they have lived to-

gether since the date of their marriage. The said Florence Jackson is the daughter of Ella Dawson, but she was of age at the date of her mother's admission to citizenship. The six children included in the application of said Joseph R. Dawson, and hereinbefore named, are the issue of the marriage between the said Joseph R. Dawson and Florence Jackson. The applicant, his said wife and his four older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Wilborn Dawson is identified as the person of that name admitted to citizenship in the Cherokee Nation as hereinbefore stated. He is identified on the Cherokee Census roll of 1896.

James R. Dawson is identified as the James Dawson admitted to citizenship in the Cherokee Nation as heretofore stated. His wife, Martha A. Dawson was married to him on February 20, 1890. She has lived with her said husband [illegible] marriage, and the four children included in the application of said James R. Dawson, and hereinbefore named, are the issue of said marriage. The applicant, his said wife and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

The evidence further shows that Joseph R. Dawson has resided in the Cherokee Nation since 1883; that Florence Dawson and Wilborn Dawson have resided in said Nation since 1896, and that James R. Dawson has resided in said Nation since 1883, excepting a temporary absence from 1889 to 1891. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VI, includes the application of Mollie Dawson and those claiming through her and embraces case numbered D 518.

The evidence shows that Mollie Moore, formerly Dawson, is identified as the Mollie Dawson admitted to citizenship in the Cherokee

Nation as hereinbefore stated. Her husband, Charles T. Moore, was married to her under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on January 17, 1887. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of said marriage. Charles T. Moore, his wife Mollie, and his four older children are identified on the Cherokee Census roll of 1896; the two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that said Charles T. Moore, his wife Mollie and his eldest child have resided in the Cherokee Nation since 1883; the younger children have resided in said nation all their lives.

Group VII, includes the applications of those claiming through the above named Jane Dawson, who, at the time of her admission to citizenship in the Cherokee Nation, as hereinbefore stated, was the wife of one Alexander Blasingame, but she was admitted under her maiden name of Dawson. Jane Dawson is a resident of Arkansas, and is not an applicant for enrollment. This group embraces cases numbered D 832, D 833 and D 834.

The evidence shows that Henry A. Blasingame, Elbert L. Blasingame, and James R. Blasingame are the children of said Jane Dawson. They were minors at the time of their mother's admission to citizenship and they are all identified on the Cherokee Census roll of 1896.

Henry A. Blasingame was married to his wife Birdie J., on December 6, 1896, and Vinnie C. Blasingame is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Ida Blasingame, a white woman, was married to the said Elbert L. Blasingame on September 5, 1894. She has lived with her said husband ever since they were married and the four minor children included in the application of said Elbert L. Blasingame are the

issue of that marriage. The said Ida Blasingame and her two older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Mary A. Blasingame was married to the said James R. Blasingame on August 21, 1895. She has lived with her said husband since they were married and the three minor children included in the application of said James R. Blasingame, and hereinbefore named, are the issue of that marriage. Mary A. Blasingame and her oldest child are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said Henry A. Blasingame, Elbert L. Blasingame and James R. Blasingame removed to the Cherokee Nation in 1897 and have resided therein with their said wives ever since. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VIII, includes the applications of those claiming through the said Elbert Dawson, and embraces cases numbered D 435, D 604, D 608, D 605, D 609, D 617, D 626 and D 627.

The evidence shows that Zona Patterson, formerly Dawson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Richard W. Dawson, Ella L. Spickerman, formerly Dawson, and Francis M. Dawson are the children of the said Elbert Dawson. All of them, excepting the said Francis M. Dawson, were minors at the time of their father's admission to citizenship. Zona Patterson is identified on the Cherokee Census roll of 1896, and William C. Dawson, Robert L. Dawson, Elbert B. Dawson and Richard W. Dawson are identified on the Strip Payment roll of 1894. An examination of the Cherokee tribal rolls, in the possession of this Commission, shows that the said Ella L. Spickerman is also identified on the Strip Payment roll of 1894.

Martin L. Patterson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 15, 1890, to the said Zona Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. Martin L. Patterson and his three elder children are identified on the Cherokee Census roll of 1896, and his three younger children are identified by birth affidavits on file with this Commission.

Alice Dawson, nee Alexander, was married to the said William C. Dawson on November 16, 1886. She has lived with her said husband ever since they were married.

Elbert D. Dawson was married on February 16, 1898, to Cora Bright, a non-citizen, and his child Ralph E. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Sarah J. Dawson, nee Jones, was married to the above named Elbert Dawson about 1854, and lived with him as his wife until his death in February, 1899, and has not re-married since his death. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. F. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

Richard W. Dawson was married to Luella Mason, a white woman, on January 24, 1898. His child Ina E. Dawson is the issue of that marriage, and she is identified by a birth affidavit on file with this Commission.

Ella L. Spickerman was married to John J. Spickerman, a white man, on September 7, 1897. Her children Hellen J. and William Glenn are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

It further appears from the evidence that Francis M. Dawson, son of Elbert Dawson, at the time of his father's admission to citizen-

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321), Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of,

> "all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1883; Alice Dawson since 1836, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson, This group embraces cases numbered D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1888, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1866, and has lived with her since that time. Tempa V. and Robert S. Graham are the issue of the aforesaid marriage. John W. Graham, his wife and two children are identified on the Cherokee Census roll of 1896.

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis E. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321). Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of,

> "all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Albert L. Dawson, Sarah J. Dawson, and Ella L. Spicherman since 1883; Alice Dawson since 1886, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered, D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1888, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1886, and has lived with her since that time. Tompa V. and Robert S. Graham are the issue of the aforesaid marriage. John W. Graham, his wife and two children are identified on the Cherokee Census roll of 1896.

Joe F. Graham was married to Mary Bradshaw, a non-citizen on January 6, 1898. William C. Graham is the issue of that marriage, and he is identified by a birth affidavit on file with this Commission.

John F. Graham was married on February 11, 1900, to Mattie Lawson, a non-citizen, and Edna M. and Robert Lee are the issue of that marriage. Said children are identified by birth affidavits on file with this Commission.

Bessie Graham was married on November 2, 1892, to the said James M. Graham. She has lived with him since the date of their marriage, and the six children included in the application of said James M. Graham, and hereinbefore named, are the issue of the said marriage. The oldest child Marion is identified on the Strip payment roll of 1894, and the five younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John W. Graham, his wife Missouri Graham, Gideon Graham, Mathew A. Painter, and his wife Laverna A. Painter, Florence P. Bradshaw, John F. Graham and Joe Willie Neal have resided in the Cherokee Nation since 1888, and that Joe F. Graham and James M. Graham have resided in the Cherokee Nation since 1884. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group X, includes the application of the said Ella Dawson and those claiming through her. The said Ella Dawson, at the time of her admission to citizenship, was the wife of Green W. Jackson, but she was admitted to citizenship under her maiden name of Dawson. This group embraces cases numbered D 395, D 476, D 503, D 830 and D 847.

The evidence shows that Green W. Jackson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on March 24, 1887 to the said Ella Dawson. He had been previously married to her in Texas prior to her admission to

citizenship. From an affidavit made a part of this record it appears that Green W. Jackson died subsequent to the date of this application, and prior to September 1, 1902.

The evidence further shows that Flora Harmon, formerly Jackson, Tashie A. Jackson, William Jackson and Fannie Lenox, formerly Jackson are the children of said Nila Dawson, now Nila Jackson. Flora Harmon, Tashie A. Jackson and Fannie Lenox were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

James H. Harmon was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 24, 1887, to the said Flora Jackson. He has lived with his wife since the date of their marriage, and the four minor children included in his application, and hereinbefore named, are the issue of the said marriage. James H. Harmon and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

William C. Lenox was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 1, 1888, to the said Fannie Jackson. He has lived with his wife since the date of their marriage, and the two children Birtie E. and Myrtle Lenox, included in his application, are the issue of the said marriage. William C. Lenox and his two children are identified on the Cherokee Census roll of 1896.

Lizzie Jackson claims to have been married in 1888 to the said William Jackson, who is now deceased. It appears that William Jackson at the date of his mother's admission to citizenship, was over twenty-one years old. There is no evidence that the said William Jackson was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission

to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Lizzie Jackson and the five minor children included in her application, and hereinbefore named, are identified on the Cherokee Census roll of 1896, and they take only such rights as may have been possessed by the said William Jackson. The authority of the Commission herein is defined in Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

The evidence further shows that the said Ella Jackson, the said Flora Harmon and the said Tookie A. Jackson have resided in the Cherokee Nation since 1884, and that William C. Lenox, and his wife Fannie Lenox have resided in the Cherokee Nation since 1888. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XI, includes the applications of those claiming through Malvina Dawson and embraces case numbered D 839.

The evidence shows that James Lowe is the son of the said Malvina Dawson, and that at the time of her admission to citizenship the said James Lowe was over 21 years old. There is no evidence that the said James Lowe was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). It further appears that the said James Lowe was married on June 12, 1887, to Mollie Knight, a white woman, and the four minor children included in his application and hereinbefore named, are the issue of that marriage. James Lowe and his said children are identified on the Cherokee Census roll of 1896 and said children take only the rights which may have been acquired by their father.

The authority of the Commission herein is derived in Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

Group XII, includes the applications of those claiming through the said W. A. Dawson and embraces cases numbered D 405, D 406, D 716, R 12 and R 13.

The evidence shows that Millie T. Dawson was married to the said W. A. Dawson in 1892 and lived with him as his wife in the Cherokee Nation until his death in 1899, and that she has not re-married since his death. Texanna Woolley is the daughter of said W. A. Dawson and his former wife Melissa A. Dawson. Texanna Woolley was a minor at the date of her father's admission to citizenship, and she is identified on the Strip payment roll of 1894. She was married on March 27, 1898, to James Woolley, and her children Irene W. and Wilburn E. are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

Henry T. Richardson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 11, 1886, to one Sellar Dawson, who was the daughter of the said W. A. Dawson by his first wife Melissa A. Sellar Dawson was a minor at the date of her father's admission to citizenship. Henry T. Richardson lived in the Cherokee Nation with his said wife Sellar from the date of their marriage until her death in 1892. On September 22, 1898, Henry T. Richardson married one Kitty Flournoy nee Dawson. The said Kitty Flournoy was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Of the children herein applied for, Delia F. Richardson is the child of the applicant by his first wife, Sellar. Finis T. Richardson and Jasper C. Richardson are children by his wife Kitty. Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy are the children of his said wife Kitty by a former husband.

The six older children were admitted to citizenship in the Cherokee Nation on December 1, 1896, with their mother as the members of her family. The youngest child Edna Kleurney was born in 1896 and was living at the date of this application. Delia F. Richardson is identified on the Cherokee Census roll of 1896, and Finis F. and Jasper C. Richardson are identified by birth affidavits on file with this Commission.

Etta Brauer is the daughter of said W. A. Dawson, and was a minor at the date of her father's admission. She was married in 1892 to a non-citizen but such marriage was not in accordance with Cherokee laws. She is identified on the Cherokee Census roll of 1896.

Melissa A. Dawson was married to the said W. A. Dawson in the State of Texas on September 26, 1875. The Supreme Court of the Cherokee Nation in the case of Melissa A. Dawson vs. W. A. Dawson, decided that Melissa A. Dawson, the applicant herein was a citizen of the Cherokee Nation by virtue of intermarriage with her said husband, W. A. Dawson. She is identified on the Cherokee Census roll of 1896, and she has not re-married since her divorce from said W. A. Dawson.

The evidence shows that Tennanna Woolley has resided in the Cherokee Nation since 1884; that Etta Brauer and Melissa A. Dawson have resided in the Cherokee Nation, with the exception of temporary absences, since 1884; that Millie T. Dawson has resided in the Cherokee Nation since 1892; that Henry T. Richardson has resided in the Cherokee Nation since 1886, and that Kitty Richardson, his wife, has resided in the Cherokee Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XIII, includes the following applications: Hiram F. Weddle, et al D 521; William D. Douthitt, D 528; Alonzo M. Fishback, D 345; Florence Morgan, et al D 737; John E. Fishback, D 845 and George A. Mabry, et al D 979. The persons embraced in these appli-

cations are related to the above named Dawsons. They are not claiming the right to enrollment by virtue of such relationship, but rely upon a separate adjudication of their rights.

The evidence shows that Hiram F. Weddle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on September 13, 1884, to Lula P. Douthitt, and was admitted to citizenship in the Cherokee Nation by the said "Spears Court" on September 13, 1884. Curtis, Morris O. and Roy Weddle are the issue of the said marriage. Hiram F. Weddle and his said wife are identified on the Cherokee Census roll of 1896, and their three children are identified by birth affidavits on file with this Commission.

William D. Douthitt is the brother of said Lula P. Weddle, and was admitted to citizenship in the Cherokee Nation with his said sister on September 13, 1884. He is identified on the Cherokee Census roll of 1896.

Alonzo M. Fishback was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 17, 1893, to Lavorna A. Dawson. He had been previously married to the same wife in Texas in 1877, and has lived with her ever since. It appears that Lavorna Fishback was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. William A. and Annie B. Fishback are the issue of the said marriage. Alonzo M. Fishback and his said wife and children are all identified on the Cherokee Census roll of 1896, and his wife is also identified on the Cherokee pay roll of 1890.

Florence Morgan, the wife of Elbert L. Morgan, is the daughter of the Kitty Richardson heretofore mentioned and was admitted to citizenship in the Cherokee Nation on December 1, 1894 with the said Kitty Richardson as a member of her family. Clide and Alice A. [illegible] children by her said husband. The said children are

identified by birth affidavits on file with this Commission.

John E. Fishback is the son of Laverna Fishback, who was re-admitted to citizenship on December 1, 1894, as heretofore stated. He was a minor at the date of his mother's admission to citizenship and he is identified on the Cherokee Census roll of 1896.

George A. Mabry was married to one Edna Dawson in the State of Arkansas in 1884. He claims to have been married under a Cherokee marriage license to his said wife in 1889, but he presents no satisfactory proof of such marriage. Edna Dawson was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Roby and Charley Mabry are her children by her said husband, George A. Mabry. Edna Mabry is identified on the strip payment roll of 1894, and the two children were minors at the date of their mother's admission to citizenship.

The evidence further shows that Alonzo M. Fishback and his wife Laverna A. Fishback have resided in the Cherokee Nation since 1883; that Lula P. Weddle, William D. Douthitt, and John E. Fishback have resided in the Cherokee Nation since 1884, and that Florence Morgan and Edna Mabry have resided in said Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

All birth affidavits for the minor children embraced in this decision, and hereinbefore noted, are made a part of this record.

It is contended by the Cherokee Nation that the applicants herein are not entitled to be enrolled by this Commission because they have never been lawfully admitted or enrolled by the Cherokee authorities, and that the judgment of the Cherokee Commission on Citizenship admitting Robert Dawson and his family was obtained by fraud on the part of said Dawson.

In considering the question at issue, it is the opinion of this Commission that it has not power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and were passed upon by that Commission. In United States vs. Throckmorton, 98 U.S. Page 61, it is stated, "the doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment assailed." Only such facts therefore, are considered by this Commission, as were not part of the record in the Robert Dawson case before the Teehee Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Teehee Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment.

Briefly stated, the circumstances attending the admission of the Dawsons appear to be as follows:

On September 24, 1881, an application was made to the Cherokee Commission on Citizenship known as the "Teehee Court" for admission to Cherokee citizenship of Robert Dawson and the members of his family above mentioned. The members of that Commission were Thomas Teehee, Alex Wolfe and T. F. Thompson. The first two were full blood Cherokee Indians; they could understand, but could not talk English. One D. W. C. Duncan was the Clerk of the Commission. The Dawson case was continued several times before final decision. J. M. Bryan appears to have been an attorney in the case, and after some delay he notified Francis M. Dawson that the case would be taken up by the Commission at its session in January, 1883, and also informed him that C.H.Taylor would look after Dawson's interests as he, Bryan,

would be in Washington. On receipt of this notice Francis M. Dawson went to Fort Gibson, Cherokee Nation, and made arrangements with his uncle Samuel H. Benge to go to Tahlequah and conduct the case. Benge who is a witness herein testifies that he was connected with the Dawson case when it was commenced in 1881; that it was continued several times for want of evidence, and that in January, 1883, in company with F. M. Dawson he went to Tahlequah and while there secured the testimony of Toah Rogers, a negro, who knew the Dawson's ancestors, and that after getting his evidence the case was submitted to the Commission. He further testifies that the Commission rendered a decision against the Dawsons and that next morning the Commission reopened the case, but not upon motion of the witness, and rendered a judgment admitting the Dawsons to citizenship. He further states that on his way home to Fort Gibson with Dawson he remarked to the latter, "it was a pretty hard blow when they rendered a decision against us," to which Dawson is alleged to have replied, "yes, but Duncan was the man to reach and he reached him with five hundred dollars."

Dawson denies ever having had such a conversation and says that he did not return to Fort Gibson with Benge but went home to Arkansas by a different route.

C. H. Taylor testifies that he was an attorney in the case and was present when the case was decided. He says there were only two Commissioners present, Teehee and Wolfe. He further testifies that D. W. C. Duncan, the Clerk of the Court asked the witness to let him know when any large citizenship cases came up; that he introduced F. M. Dawson to Duncan on the evening of January 10th, heard part of a conversation between them in which Duncan addressing Dawson said, "there is a hitch in your evidence, if that was straightened out it will be all right." Next morning witness says Dawson told him to call up the case, which he did. That there was no additional

evidence introduced and no argument made, and that the case was then decided in favor of the Dawsons. Witness further testifies that Dawson gave him twenty dollars and said he could send him the balance in a short time, that in the course of ten days he sent him one hundred dollars with directions to pay over half of it to Duncan; that Dawson soon afterwards sent him another hundred dollars with the same instruction to give Duncan half of it.

Dawson denied the matters testified to by Taylor excepting in the matter of paying Taylor money, which he admits in part, but says that the twenty dollars mentioned was sent to Taylor about a year after the decision, and that he instructed Taylor to pay it over to Duncan to pay him for a land claim, and that the other money was in payment of J. C. Bryan's attorney fees which Taylor represented to Dawson he had for collection against him. Taylor's reputation for truth and veracity has been impeached by various disinterested witnesses.

The evidence which may be considered as tending to support the charge of fraud is the testimony of S. H. Lange, C. H. Taylor, Thomas [illegible]. Babcart, J. L. Clinkenbeard, James W. Lepin, C. C. Brought and David Meredith.

S. H. Lange testifies that a judgment adverse to the Dawsons was rendered by the Commission on the evening of one day and without any additional proceedings in the case that judgment was reversed on the morning of the next day.

Even if this were a material fact, there is no other proof that the judgments in the case were ever rendered. The record of the proceedings and judgment in the Commission's docket is all on one page, the entry of the application in 1881 and the first continuance being entered under authority of a former Commission and by a different clerk, and there is no evidence of erasure on that page. It is not an unusual thing for a Court to change its judgment, and this fact, if it is a fact, is not in itself any evidence of fraud.

Thomas B. Babeart testifies that one James Dawson, a man of forty or fifty years of age, in company with Butler, the Commission's interpreter and Jim Smith, solicitor for the Nation, came to the witness in Tahlequah the evening of January 10, 1883, to borrow some money; that Dawson was vouched for by Butler as a responsible party and that Dawson told the witness that he had to have money that night, that his case was to be submitted the next day if he could get some money, that Smith had agreed to submit the case without evidence, and that witness thereupon let Dawson have ten dollars.

Admitting all this to be true and that the influence of these officials was purchased for the sum of ten dollars, the Commission fails to see how these alleged facts show that the Court was imposed upon or misled. Bribery of officials to use their influence with the Commission would not necessarily vitiate the judgment, but it must appear that the fraud, or corruption reached the members of the Commission and tainted the judgment itself. The case was not submitted without evidence as appears from the record, and it is shown that such evidence was carefully considered by that Commission. Furthermore, the evidence shows that there was no such person then in Tahlequah as the James Dawson described by witness.

Clinkenbeard testifies that he had a talk with Elbert Dawson about 1881; that Dawson told him he had only one witness, Dr. Baker of Arkansas, "an old man 85 or 90 years old who did not know straight up" and that he could give Dr. Baker four drinks of Arkansas whiskey and he would swear black was white. Witness further testifies that Dawson told him that money was what made the mare go in Texas, and that he had found out that it goes here too.

Assuming that this Commission can go into the question of perjury in connection with evidence in that case, the testimony of Clinkenbeard establishes, if anything, only the facts stated, and does not prove that Dr. Baker committed perjury in giving his testi-

mony before the Commission. Further, it is not clear that Dr. Baker was the only witness in the case. Benge stated that Tosh Rogers was a witness, Duncan is under that impression also, and T. F. Thompson, one of the Commissioners, states that he thinks there were three witnesses. The testimony of Dr. Baker, seems, however, to be the only testimony preserved of record. As to whether Doctor Baker offered perjured testimony by Dawson's procurement, it is proper to state that the evidence of W. H. Curtis and A. S. McClennon, witnesses for applicants, show that Doctor Baker was a man of integrity and was not addicted to drinking.

The testimony of James W. Lewis is to the effect that he had a conversation with F. M. Dawson about 1883, in which Dawson had told the witness that it had cost him seven hundred dollars to get his rights. Draught also testifies that he was an applicant for citizenship about 1881 or 1882, and that while his case was pending he had a talk with F. M. Dawson who told him that if he (the witness) ever got in, it would cost him seven hundred dollars, and that Dawson told him he had paid one witness three hundred dollars, and made arrangements with the Court to get the Dawsons in at one hundred dollars a family. David Meredith testifies that he had a talk with old James Dawson in 1886, and that the latter told the witness it cost him twelve hundred dollars to get his case through.

It can hardly be urged that such evidence is sufficient to show that the members of the Techee Commission were corrupted by the fraudulent use of money. So far as these witnesses have been able to testify the money spent by the Dawsons might have been for proper and legitimate purposes. F. M. Dawson gives a detailed statement of what the case cost him and his brother in a legitimate way. The presumption can not be indulged that such moneys were used for fraudulent purposes and the proof to the contrary must be very clear

before this Commission will deny applicants the right to be enrolled upon that ground.

Admitting the truth of all the testimony in this case as to the actual transfer of money by the Dawsons, it appears that Duncan, Butler and Smith were the only beneficiaries of that money. There is no evidence that the members of the Commission received or were offered any of it.

The judgment entered in the Commission's docket shows the signature of the three members of the Commission appended thereto. There is some conflict as to whether Duncan signed Thompson's name, or whether Thompson affixed his own signature. Duncan testified that all three signatures were made by him as Clerk under authority of the Commissioners present, the two full bloods being unable to sign their names. T. F. Thompson testifies that he signed the original transcript of the judgment, which was made on the day of its rendition. The question, however, is not considered to be very material. The signing of judgments by each Commissioner appears to have been a matter of custom only. T. F. Thompson testifies that he remembers the Dawson case and recognizes the judgment therein as the final judgment of the Commission, and that there was no fraud or corruption in the procurement of that judgment by the Dawsons or by any one else so far as he knew.

Much evidence has been introduced by the Cherokee Nation for the purpose of showing that the ancestor, through whom the Dawsons claim, was not a Cherokee, and that other members of the Dawson family, claiming from the same source, have been denied Cherokee citizenship by subsequent Cherokee tribunals, and also by this Commission and by the United States Court. Such evidence, in the opinion of this Commission, is not competent for any purpose in this proceeding. The only question before this Commission is whether there was

fraud in the procurement of the Robert Dawson judgment, and not whether the applicants are Cherokee Indians, or whether they ought to have been admitted to citizenship upon the proof submitted. Those were questions presented, considered and passed upon by the Dawes Commission. If their decision is a valid and regular judgment, it is binding on this Commission. If, on the contrary, the applicants have never been lawfully admitted to citizenship, because the judgment under which they claim is void, for fraud, then the question as to whether they are Cherokees by blood is not material, as this Commission has now no authority to admit them to citizenship.

While it is true, that since 1883, a number of applicants, members of the Dawson family, have been denied admission to citizenship in the Cherokee Nation, no argument derived therefrom is of any force, for it is also true that other members of the same family have been admitted to citizenship, and the action of the Cherokee authorities in admitting them has never been questioned by the Cherokee Nation. Whatever inference, therefore, may be drawn from these facts, applies with equal force both for and against the validity of the judgment in question.

The Dawsons have lived in the Cherokee Nation, most of them since 1883; they have exercised the rights of Cherokee citizenship for many years; some of them occupying official positions in the Nation, and no protest seems to have been made against their citizenship until within the last few years. The records of the Cherokee Nation, in the possession of this Commission, show, that since 1883, there have been Commissions on citizenship charged with authority to investigate the judgments of former tribunals alleged to have been secured by fraud, and the Cherokee Legislature had power to order an investigation, and to create a tribunal with authority to set aside a judgment so obtained. No such action appears to have been taken

by the Cherokee authorities with reference to the judgment of the Teehee Commission in the Robert Dawson case.

After a careful consideration of all the facts in this case this Commission is of the opinion that the evidence fails to establish that the Dawsons secured their admission to citizenship by fraud or that the judgment of the Teehee Commission as rendered January 11, 1883, was fraudulent as the result of corruption, bribery, or deception upon the part of the Dawsons, or their agents, and that such judgment, and also the judgment of the Spears Commission in 1884, and the Act of the Cherokee National Council of December 1, 1894, which have not been attacked by the Cherokee Nation, being regular on their face, must therefore be accepted by this Commission as the valid judgments of the duly constituted Cherokee authorities.

It is, therefore, the opinion of this Commission that,

(Group I.) Francis M. Dawson, son of Robert Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson, Jr., son of Francis M. Dawson and grand-son of Robert Dawson,

(Group II.) Samuel R. Dawson, August Dawson, Nate Dawson, Robert Dawson, Albert E. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman,

(Group III) John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles E. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Virgal C. Dawson, Thomas F. Dawson, Marion J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson,

(Group IV) Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Ona Gray, Cecil Gray, Vellen Gray, Doris Akin (formerly

Lizzie Pierce), Nancy J. Bogle, James E. Bogle, Edna M. Bogle, John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle,

(Group V) Joseph R. Dawson, Clarence E. Dawson, Council T. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James E. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson,

(Group VI) Mollie Moore, Dora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore,

(Group VII) Henry A. Blasingame, Vinnie C. Blasingame, Wilbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame,

(Group VIII) Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman,

(Group IX) Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham,

(Group X) Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon,

Dwight Harmon, William D. Parmon, Tosslie A. Jackson, Dennis Lenox, Birtie E. Lenox, Myrtle Lenox,

(Group XII) Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Titty Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia E. Richardson, Etta Brewer,

(Group XIII) Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverne A. Fishback, William A. Fishback, Annie E. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry, and Charley Mabry,

should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and that

(Group I) Katie Dawson, Audrey C. Atkins,

(Group II) Catherine Dawson, Sarah E. Dawson, August Dulavsky, Nannie Dawson,

(Group III) Sarah J. Dawson, nee Wood,

(Group IV) Nellie Pierce, John S. Bogle,

(Group V) Florence Dawson, Martha A. Dawson,

(Group VI) Charles T. Moore,

(Group VII) Ida Blasingame, Mary A. Blasingame,

(Group VIII) Martin L. Patterson, Alice Dawson, Sarah J. Dawson, nee Jones,

(Group IX) John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham,

(Group X) James H. Harmon, William C. Lenox,

(Group XII) Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson

(Group XIII) Miram F. Weddle and Alonzo M. Fishback, should be

enrolled as citizens by intermarriage of the Cherokee Nation in accordance with the provisions of said Section twenty-one of the Act of Congress, and it is so ordered.

It is further the opinion of this Commission that, for the reasons heretofore stated, the applications for the enrollment of Artheme Allred and William S. Allred, (embraced in D 835); Francis M. Dawson, son of Elbert Dawson, (embraced in D 627); Cale Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, and Clyde Jackson, the children of William and Lizzie Jackson, (embraced in D 830); James Lowe, May Lowe, Selma Lowe, Roberta Lowe and Rosa Lowe, (embraced in D 839), as citizens by blood of the Cherokee Nation, and that the applications of Lizzie Jackson, widow of William Jackson, (embraced in D 830), and George A. Mabry (embraced in D 979), as citizens by intermarriage of the Cherokee Nation should be denied, in accordance with the provisions of the law heretofore quoted, and it is so ordered.

As hereinbefore stated William Pierce (D 409) and Cecil Dawson (D 358) and Green W. Jackson (D 395), died prior to September 1, 1902. It further appears from affidavits, made a part of this record that Liddie and Margaret Graham (D 1128) have died since the date of the application for their enrollment and prior to September 1, 1902.

It is, therefore, ordered that the applications for the enrollment of said William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham be, and the same are hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(Signed) TAMS BIXBY,
Acting Chairman.

(Signed) T. B. NEEDLES,
Commissioner.

(Signed) C. R. BREECKENRIDGE,
Commissioner.

Dated at Muskogee, Ind. Ter.,
this Dec. 23, 1902.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1902

Mrs. Etta Brauer,

Afton, Indian Territory,

Madam:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 15 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee R-18
Register.

Yours truly,

[redacted]n.

Commissioner in Charge.

COPY.

Cherokee D-324---

Muskogee, Indian Territory, January 24, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Hatie Berman, John Dawson, Robert D. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Teale, James E. Bogle, Edna M. Bogle, John H. Bogle, Marvin B. Bogle,

Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Dora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert D. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie L. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna L. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Tobie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley,

Mittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Minis T. Richardson, Jasper C. Richardson, Delia P. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris C. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. M-130.

COPY.

Cherokee D-324--

Muskogee, Indian Territory, February 10, 1903.

A. S. McKennon,

Attorney for Francis M. Dawson, et al,

Wewoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J.F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Berman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles E. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Marice J. Dawson, Orlo H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E. Bogle, Edna M. Bogle, John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E.

...son, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. ...son, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. ...n, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie ...ore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. ...ore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert D. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Layerne A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Kittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura

Fluornoy, Oscar Fluornoy, Claude Fluornoy, Edna Fluornoy, Minis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Doublitt, Lavorna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

You have heretofore been furnished with a copy of the record of proceedings had in this case.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished both yourself and the principal applicant, by the attorney for the Nation.

The decision, together with the record of proceedings had in this case will be transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

You are requested to forward to the Commission two copies of your printed brief in this case, in order that the same may be included in the record to be forwarded to the Secretary of the Interior

Respectfully,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. M-45.

Register.

COPY.

Cherokee R-12.

Muskogee, Indian Territory, February 25, 1903.

Etta Brauer,

Afton, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting, among others, your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation. There has heretofore been furnished your attorney, A. S. McKennon, Wewoka, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished both your attorney and the principal applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Acting Chairman.

Enc. H-54.

Register.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Francis M. Dawson et al., applicants for enrollment as citizens of the Cherokee Nation, including the Commission's decision, dated December 23, 1903, granting said application as to Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Mattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Marice J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Ona Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E.Bogle, Edna B. Bogle, John H. Bogle, Marvin R.Bogle,

Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence R. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Laverna A. Painter, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley,

Kittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brewer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Southitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John H. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and Katie Dawson, Andrew O. Atkins, Catherine Dawson, Sarah F. Dawson, August Pulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Fogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson , Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson, and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

(Signed) [illegible] BIXBY,

Chairman.

Enc. M-135.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, together with the Commission's decision in said case, and the protest of the Cherokee Nation against said decision, dated February 6, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 26, 1903.

A. S. McClennon,

Attorney for Francis M. Dawson, et al.,

Wewoka, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

Refer in reply to the following:
Land 15885-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, October 16, 1903.

COPY

CHEROKEE ENROLLMENT

FRANCIS M. DAWSON, ET AL., GROUP Xll.

The Honorable

The Secretary of the Interior.

Sir:

Referring to office report of even date, transmitting the record relative to the applicants parties to Group 1. of the consolidated case of Francis M. Dawson et al., applicants for enrollment as Cherokees, there is enclosed herewith the record relative to the parties applicants to Group Xll. ---

D 405, Group Xll, page 1.

Millie T. pawson applies for enrollment as an intermarried citizen.

D 406, Group Xll, page 4.

Texanna Woolley applies for the enrollment of herself and her minor children, Irene and Wilburn E. Wooley as citizens by blood. Wilb rn E. Woolley was born subsequent to the date of his mother's application. He is identified by a birth affidavit.

D 715, Group Xll, page 9.

Henry T. Richardson applies for enrollment as an intermarried citizen, and for the enrollment of his wife, Kitty, and their

minor children, Delilah F., and Finis T. Richardson, and for his minor step-children, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flourney as citizens by blood. He also applies for the enrollment of his minor child, Jasper C. Richardson, who was born subsequent to the date of his application. This child is identified by a birth affidavit. Florence Flourney is embraced in the application of Albert L. Morgan, (D 737, Group XIII.), and will not be considered in connection with this group.

R 12, Group XII. page 20

Etta Brauer applies for the enrollment of herself as an intermarried citizen.

R 13, Group XII page 24

Melissa A. Dawson applies for enrollment as an intermarried citizen.

The Commission, in its decision of December 23, 1902, held that all the parties to this group were entitled to enrollment as citizens, -- Millie T. Dawson, Henry T. Richardson and Melissa A. Dawson as citizens by intermarriage, and the others as citizens by blood.

Millie T. Dawson, (Group XII page 1), the record shows was married to W. A. Dawson, October 1892, and W. A. Dawson was admitted to citizenship in the Cherokee Nation by the Spears Commission or Court, September 9, 1884. She died October 1899. Her name does not appear on the 1896 roll.

Texanna Woolley (Group XII page 4), is a daughter of W. A.

Dawson, by his former wife. W. A. Dawson was admitted September 9, 1884, and he died October, 1899. Texanna Woolley was married to James Woolley November 27, 1898. She was a minor when her father was admitted to citizenship. Her name appears on the 1894 pay-roll.

Henry T. Richardson, (Group XII, page 9), July 11, 1886, was married to Mrs. Sellar, or Stella, or Sella Dawson, in accordance with the Cherokee laws. She was a daughter of W. A. Dawson, who was admitted September 9, 1884. She was a minor at the time her father was admitted. Her father died October 1899. She died about 1892. In September, 1898, Henry T. Richardson married his present wife, Kitty Richardson, formerly Flourney. His present wife's maiden name was Dawson. Kitty Richardson, Formerly Flourney nee Dawson, was admitted to citizenship in the Cherokee Nation by act of the National Council, December 1, 1894. Delilah Richardson is the child of the principal applicant by his first wife, Sellar Richardson. Finis T. and Jasper C. Richardson are children by his wife, Kitty Richardson. Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flourney are children of Kitty Richardson by her former husband. Delilah F. Richardson is identified by the 1896 census roll. All of the Flourney children except Edna, appear to be identified by the 1894 strip payment roll. Sellar Dawson, first wife of the principal applicant, was a daughter of W. A. Dawson, who was admitted to citizenship September 9, 1884. She was a minor when her father was admitted.

Etta Brauer, (Group XII. page 20), is a daughter of W. A.

Dawson, who was admitted to citizenship September 9, 1884. She was a minor when her father was admitted. She is identified by the Cherokee census roll of 1896. She has resided in the Cherokee Nation since 1884, except that she has temporarily been absent from the Nation at different times.

Melissa A. Dawson, (Group XII, page 24), was formerly the wife of W. A . Dawson, who was admitted to citizenship in the Cherokee Nation September 9, 1884. She is identified by the 1896 census roll. She has resided in the Cherokee Nation since 1884, except that she has been temporarily absent therefrom several times for the purpose of securing employment. W. A. Dawson died in October 1899. This applicant and her husband had, however, been divorced. The decree was rendered September 3, 1890. The applicant has not remarried since the divorce was granted, and the Supreme Court of the Cherokee Nation in the case of Melissa A. Dawson vs. W. A. Dawson, held that Melissa A. Dawson, this applicant, was a citizen of the Cherokee Nation by virtue of her marriage with W. A. Dawson.

In connection herewith attention is respectfully invited to office report of even date, transmitting group 1 of this consolidated case, and for the reasons therein stated the office recommends the approval of the Commission's decision, except in so far as it relates to the enrollment of Millie T. Dawson, Henry T. Richardson and Melissa A. Dawson, who apply for enrollment as intermarried citizens.

Very respectfully,

W. A. Jones.

Commissioner.

G.A.W. -L.C.

D. C. 10510-1904.

ITD 7442-1903.
7456-1903.

LRS

J.W.M.
J.P.
FHR

Department of the Interior,
Washington.

March 31, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 25, 1903, you transmitted the record in the matter of the application of Francis M. Dawson et al., for enrollment as citizens of the Cherokee Nation. In your decision of December 23, 1902, you disposed of the applications in the Dawson case by groups. In this letter Group xii, as disposed of by you, will be considered.

This group includes the application of Millie T. Dawson (D. 405), for the enrollment of herself as a citizen by intermarriage of Texanna Wooley (D.406), for the enrollment of herself and her minor children, Irene and Wilburn E. Woolley, as citizens by blood; of Henry T. Richardson (D 715), for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Kitty, and his minor children, Delilah F., Finis T., and Jasper C. Richardson, and his minor step-children, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flournoy, as citizens by blood; of Etta Brauer (R 12) for enrollment as a citizen by blood; and of Melissa A. Dawson (R 13), for enrollment as a citizen by intermarriage of the Cherokee Nation.

In said decision you disposed of all these applications except that of Florence Flournoy, who is included in application D 737, Group xiii, as Florence Morgan. You held that all of the applicants referred to above are entitled to enrollment as citizens of the Cherokee Nation.

Reporting in the matter October 16, 1903, the Commissioner of Indian Affairs recommended that yout decision be approved, except as to those applicants claiming enrollment by intermarriage. As to those applicants claiming by intermarriage, no action will be taken at the present time.

The record has been examined in detail respecting the applicants claiming by b ood, to determine the origin of their rights, whether by birth or admission. An examination has also been made in respect to their residence in the Cherokee Nation, and their identification as citizens thereof, whether by enrollment or by birth affidavit. This investigation persuades the Department that your decision is correct as to those applicants claiming by blood. You are accordingly directed to enroll them as citizens of the Cherokee Nation.

The question of fraud in its relation to the Dawson case was disposed of by the Assistant Attorney General, in an opinion of February 18, 1904, copy of which was sent you February 24, ,1904.

A copy of the Commissioner's letter of October 16, 1903, relating to this group, is inclosed.

Respectfully,

1 inclosure.

Thos Ryan, Acting Secretary.

Cherokee R 12.

Muskogee, Indian Territory, April 12, 1904.

Etta Bramer,

Afton, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated December 23, 1902, granting, among others, your application for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Cherokee of the Interior on March 31, 1904.

Respectfully,

Commissioner in Charge.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

A. S. McKennon,

Attorney for Francis M. Dawson, et al.,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting the applications for the enrollment of Francis M., Lula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Francis M. Dawson, Jr., Lizzie, Arthur, Edna E., Edward S., and George J. F. Atkins, John W., Albert M., Ralph M., Alford, Samuel R., August, Nate and Robert Dawson, Katie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, John, Robert B., Iola M., Lemuel M., Rosa B., Charles R., Hattie J., Jennings B., James U., Vergal C., Thomas P., Marise J., Orle M., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Harmon, Tosbie A. Jackson, Fannie, Birtie E. and Myrtle Lenox, Missouri, Tampa V., Robert S., Gideon, John W., Julius E., Francis M., Mary E., Jesse T., Gracie M. and Florence M. Graham, Laverna A., Ada R., Eva P., John W., Ray D., Roberta A., and

Roy V. Painter, Florence I., Myrtle and Claude Bradshaw, Joe E., William C., John F., Dana L. and Robert Lee Graham, Joe Willie Neal, James L., Marion, Maggie, Luther and Floyd Graham, Mollie, Nora, Walter, Clara, Ora, James T., and Edna Edith Moore, Richard W. and Ina B. Dawson, Ella L., Nellen J. and William Glenn Spickerman, Gilbert L., Ralph E., Robert L., and William C. Dawson, Zona, Sarah A., Martha A., Claud A., Edgar D., Thomas M. and Virgil V. Patterson, Joseph R., Clarence E., Council J., Elmer A., Cleo, Rufus T., Edgar, Wilborn, James R., Vinnie L., Ermine C., Edwin C. and Ancil F. Dawson, Etta Brauer, Kitty, Delia E., Minis T. and Jasper Cecil Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy, Texanna, Irene W. and Wilburn E. Woolley, Laverna A., William A. and Annie B. Fishback, Lula P., Curtis, Morris O. and Roy Weddle, Florence, Clide and Alice A. Morgan, John E. Fishback, Edna, Roby and Charley Mabry and William D. Douthitt, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Liddie and Margaret Graham as citizens by blood of the Cherokee Nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 31, 1904, and that the Commission's decision rejecting the applications for the enrollment of James, Kay, Zelma, Roberta, and Rosa Lowe, Osie, Lizzie, Jessie, Ray, and Clyde Jackson as citizens

by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

SIGNED T. D. Sloan

Commissioner in Charge.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis L. Dawson, et al., granting the applications for the enrollment of Francis L., Eula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Francis M. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. F. Atkins, John W., Albert M., Ralph M., Alford, Samuel R., August, Nate and Robert Dawson, Katie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, John, Robert B., Iola M., Lemuel M., Rosa B., Charles E., Hattie J., Jennings B., James U., Vergal C., Thomas P., Mariee J., Orle M., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Harmon, Toshie A. Jackson, Fannie, Birtie E. and Myrtle Lenox, Missouri, Tempa V., Robert S., Gideon, John W., Julius E., Francis W., Mary E., Jesse E., Gracie L. and Florence M. Graham, Laverna A., Ada R., Eva P., John T., Ray D., Roberta A., and

Roy V. Painter, Florence P., Myrtle and Claude Bradshaw, Joe E., William C., John F., Edna M. and Robert Lee Graham, Joe Willie Neal, James L., Marion, Maggie, Luther and Floyd Graham, Mollie, Nora, Walter, Clara, Ora, James W., and Edna Edith Moore, Richard W. and Ina E. Dawson, Ella L., Helen J. and William Glenn Spickerman, Elbert E., Ralph E., Robert L., and William C. Dawson, Zona, Sarah A., Martha A., Claud A., Edgar D., Thomas M. and Virgil V. Patterson, Joseph R., Clarence E., Council J., Elmer A., Cleo, Rufus T., Edgar, Wilborn, James R., Winnie D., Ermine C., Edwin C. and Ancil F. Dawson, Etta Brauer, Kitty, Delia F., Finis T. and Jasper Cecil Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy, Texanna, Irene W. and Wilburn E. Woolley, Laverna A., William A. and Annie P. Fishback, Lula F., Curtis, Morris O. and Roy Weddle, Florence, Clide and Alice A. Morgan, John B. Fishback, Edna, Roby and Charley Mabry and William D. Douthitt, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Liddie and Margaret Graham as citizens by blood of the Cherokee Nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 31, 1904, and that the Commission's decision rejecting the applications for the enrollment of James, May, Zelma, Roberta, and Rosa Lowe, Osie, Lizzie, Jessie, Ray, and Clyde Jackson as citizens

by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

(SIGNED) T. B. Wallace.

Commissioner in Charge.

Cher 10763

Kittie Richardson

Trans. from D 715

Cher 10763

GRANTEE
ACTION APPROVED BY
SECRETARY OF INTERIOR

Transferred from Cherokee D215.

D O U B T F U L.

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T. October 26th. 1900.

In the matter of the application of Henry T. Richardson for the enrollment of himself, wife, children and step-children as Cherokee citizens. He being sworn testified before the Commission as follows:

Q What is your name? A Henry T. Richardson.
Q How old are you? 42.
Q What is your post office? A Owasso, I.T.
Q Do you live in Cooweescoowee district? A Yes sir.
Q Who is it that you want to have enrolled? A Myself, wife, children and step children.
Q How many children have you of your own? A Two.
Q How many step-children have you? A Eight.
Q Do you apply as a Cherokee by blood? A No sir.
Q White man? A Yes, sir.
Q Is your wife a Cherokee by blood? A Yes sir.
Q Let me see your marriage license and certificate.
Applicant presents license issued by the Clerk of Delaware District July 10th 1886, authorizing his marriage to Mrs. Sellar Dawson. The certificate shows that they were united in marriage by the Clerk on the following day. This is filed herewith.
Q Is that wife living now? A No, sir, she is dead.
Q She was a Cherokee by blood was she? A Yes sir.
Q When did she die? A Been dead eight years.
Q How old was she when she died? A I believe she was 24 years old.
Q Would be some 32 years old now if living? A Yes sir.
Q Was she born in the Cherokee Nation? A Yes sir.
Q Did she live here all her life as far as you know? A She was here when I got acquainted with her; since I come to think of it, I believe she was born in Texas.
Q How did she acquire her right to Cherokee citizenship? A. Through her paw, he was admitted by the Cherokee Commission.
Q Have you a certificate of his admission? A Yes sir.
(HERE APPLICANT HANDS COMMISSIONER SEVERAL PAPERS)
Q Your people applied to the Dawes Commission for citizenship did they not? A Yes sir.
Q Give me the name of the mother of your wife Sellar. A Cant do it.
Q Give me her father's name? A W. A. Dawson.
Q Is he dead? A Yes sir.
Q How long? A Two years.
Q Was your case ever taken to the United States Court after you applied to the Dawes Commission? A No sir/ it was not.
Q Give me the name of your present wife? A Kitty.
Q How old is she? A 28.
Q When did you marry her? A In 1898. September.
The applicant presents a license issued by the Clerk of the United States Court for the Northern District of the Indian Territory on September 12th, 1898, authorizing his marriage to Mrs. Kitty Flourney. The certificate shows that they were married on the 22d of the same month and same year by the Rev. E. J. Booth. This is filed herewith.
Q You lived with your first wife in the Cherokee Nation until she died did you? A Yes sir.
Q Have you continued to live in the Cherokee Nation ever since that time? A Yes sir.
Q Have you lived with your second wife ever since you married her in september 1898? A Yes sir.

Q Your present wifes name when you married her was Flournoy was it? A Yes, sir.
Q That was not her maiden name was it? A No sir.
Q What was her name before she married Flournoy? A She was a Dawson.
Q Had she been married only once before she married you? A Yes sir.
Q Was her former husband dead when she married you? A Yes sir.
Q Were you only married once before you married your present wife? A Yes sir.
Q Was your present wife born in the Cherokee Nation? A No sir, born in Arkansas.
Q Is she on the roll of 1880? A No sir, I think not.
Q You think she was admitted by the Cherokee Commission? A Yes sir she was admitted twice.
Q Has she ever been a party in an application to the Dawes Commission for admission to Cherokee Citizenship? A In the one that I have here.
Q It appears there under the name of Flournoy? A Yes sir.
Q How comes it that this paper is in your possession when it is addressed to the Dawes Commission? A They sent them back to me and said she was already enrolled.
Q Have you the papers showing that fact? A Not with me, I have some of the letters at home in my trunk.
Q How long has your present wife lived continuously in the Cherokee Nation? A Ever since she was admitted in 1884.
Q Did your wife draw Cherokee strip money in 1894? Your present wife? A Dont think she did. I drew money, strip money, for my child? My first wife was dead.
Q Give me the name of your child? A Delia T. Richardson. She is by my first wife.
Q How old is she? A 12 years old.
Q Have you only one child by that wife? A Just one.
Q Give me the name of your next child? A Finis T. Richardson.
Q How old is this one? A 11 months old.
Q That is a child by your present wife? A Yes, sir.
Q Give me the names of your step children? A Edgar Flournoy.
Q How old is he? A 20.
Q Next child? A Walter.
Q How old is he? A 19.
Q Next child? A Florence.
Q How old is she? A 17.
Q Next child? A Alice.
Q How old is she? A 15.
Q Next child? A Laura.
Q How old is she? A 13.
Q Next child? A Oscar.
Q How old is he? A 10.
Q Next child? A Claude.
Q How old is this one? A 6.
Q Next child? A Edna.
Q How old is she? A 4.
Q Are these all Flournoy children? A Yes sir.
Q Are these children all living now? A Yes sir.
Q Are any of them on the roll of 1896? A They should all be on, I enrolled them right here in 1896.
1896 roll, page 239, No. 3958, Delilah T. Richardson, Cowetoo Dist.
1894 455 2407 Delia T. Richardson, Delaware Dist.

The applicant presents a certificate of admission to Cherokee citizenship, showing that on the 9th of September, 1884, there was admitted to citizenship by the Cherokee Commission Ella Dawson. (Q How is that intended as the name of your first wife? A Yes sir----Q How is it that you claim admission for your first wife? A Her father was admitted with her.) The name of W. A. Dawson (father of applicants first wife) is included in this certificate as having been admitted at the time stated.

Q You say that you have a certificate in regard to the admission of your present wife? A Yes sir.
Q Your wife was aldo a party to an application to the Dawes Commission in 1896? A Yes sir.

The applicant now presents a certificate signed by W. H. Mayes under the seal of his office as Assistant Executive Secretary, certifying that by act of the National Council, approved December, 1st 1894, Kitty Flournoy and family were admitted to all the rights and privileges of citizenship in the Cherokee Nation.

Q Kitty Flournoy is your present wife? A Yes sir.
Q Has she lived in the Cherokee Nation ever since her admission in 1894? A Yes sir.
Q And all her children that were living at that time, have they continued to live in the Cherokee Nation since their admission to citizenship? A Yes sir.
Q Has your wife Kitty Flournoy ever been a party to an application for Cherokee citizenship before the Dawes Commission? A Yes sir.
Q How did she happen to get her rights disputed and have to make application to the Dawes Commission? A She was enrolled and they dropped her off.
Q You are not able to present at the present time any evidence of the final result of the application to the Dawes Commission, which included the application of both of your wives? A No sir I can not.

The applicant applies for the enrollment of himself, wife, two children and eight step-children. He is shown to have married his first wife in accordance with Cherokee laws in 1886. He states that he has lived in the Cherokee Nation ever since. That he lived with his first wife until she died, and since her death he has married again, to (as he alleges) another Cherokee woman. He claims admission to Cherokee citizenship for his first wife by a certificate cited in the testimony, through her father. He states that her father, W. A. Dawson was a party in an application to the Dawes Commission for admission to citizenship. The applicants second wife is shown to have been admitted to citizenship by the Cherokee Council on 1894, but he states that she has been a party in an application before the Dawes Commission for admission to Cherokee citizenship. His first wife is said to have been admitted after 1880 and to have died before the roll of 1896 was made. His second and present wife is not identified on any roll. His second marriage established by license and certificate filed herewith. Neither is the applicant identified on any roll. Under these circumstances his application for enrollment will be placed upon a doubtful card for further consideration. A search at this time of the Commission records does not disclose the proceedings had in this case. Applicant will be classed as a Cherokee by intermarriage His present wife Kitty will be classed as a Cherokee by blood on a doubtful card to await the further examination of the Commission records. When he files certificate of birth as to the infant Finis T. Richardson, the child of the present marriage, this child will be classed as a Cherokee by blood on a doubtful card. The child Delia T. Richardson, a child by the first wife, is identified on the rolls of 1894 and 1896. It appears from the admission of this child to enrollment that she was born at a time when her mother possessed rights afterwards disputed by the Cherokee authorities, and that as a minor these rights were continued to her, but for the present she will be classed as a Cherokee by blood and placed upon a doubtful card to await the inquiry indicated. Of the eight step-children named in the testimony, all the children of the applicants present wife by her first husband Flournoy, no record is found on any of the rolls. They are all minors at this time and

will be classed as Cherokees by blood on a doubtful card to await the investigation of the rights of their mother.

S U P P L E M E N T A L.

Q Your first wife Sellar Dawson, was she ever married before she married you? A No sir.
Q Were you ever married before you married her? A No sir.
Q Your second wife Kittie Flournoy was married before, you are her second husband? A Yes, sir.
Q Her first husband was dead when she married you was he? A Yes sir.

The applicant presents a certificate of marriage showing that his present wife was married in April, 1889 to J. G. Flournoy. She must have been previously married to him under the laws of the United States as she is mentioned therein as Mrs. Kittie Flournoy. Said certificate shows that she was married by the Rev. G. E. Morrison. This is filed herewith.

- - - - - - - - - - - - - - -

Chas. Von Weise being sworn states that as stenographer to the Commission to the Five Civilized T ibes he reported in full all the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

(Signed) Chas vonWeise.

Subscribed and sworn to before me this the 26th of October, 1900.

(SEAL)

(Signed) M.D.Green.
Notary Public.

---:---

Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a true and correct copy of the original transcript.

Edith L. Morey.

Subscribed and sworn to before me this the 25th day of August 1904.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF INDIAN AFFAIRS
FILED
OCT 28 1909

COOWEESCOOWEE
Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 26 1900

42 Name Henry P. Richardson Cuasas D.T.

District [illegible] Year [illegible] Page [illegible] No. [illegible]

Citizen by blood [illegible] Mother's citizenship Cherokee

Intermarried citizen [illegible]

Married under what law [illegible] Date of marriage 1896

License 38 Certificate

2 Wife's name Nettie Richardson, nee Lawson

District [illegible] Year 99 Page [illegible] No. [illegible]

Citizen by blood Yes Mother's citizenship

Intermarried citizen No.

Married under what law [illegible] Date of marriage [illegible]

License Filed OCT 26 1900 Certificate Issued OCT 26 1900

Names of Children;

3	Delia F. Richardson	[illegible]	Dist.	Year 96	Page 239	No. 395	Age 12
4	Finis P.	"	Dist.	Year	Page	No.	Age 10 mos
5	Edgar Flournoy		Dist.	Year 98	Page	No.	Age 20
6	Mattie	"	Dist.	Year	Page	No.	Age 19
7	Florence	"	Dist.	Year	Page	No.	Age 17
8	Alice	"	Dist.	Year	Page	No.	Age 15
9	Laura	"	Dist.	Year	Page	No.	Age 13
10	Oscar	"	Dist.	Year	Page	No.	Age 10
11	Claude	"	Dist.	Year	Page	No.	Age 6
12	Edna	"	Dist.	Year	Page	No.	Age 4

3 On 1896 Roll as Nellie F. Richardson
4 Affidavit to be furnished
" "

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 9th, 1902.

In the matter of the application of Henry T. Richardson for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife, Kittie Richardson; his children, Delia F., Finis T. and Jasper Cecil Richardson, and his stepchildren, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy, as citizens by blood of the Cherokee Nation.

Supplemental to D-715.

HENRY T. RICHARDSON, being duly sworn, testified as follows:

Examination by the Commission.

Q Your name is Henry T. Richardson? A Yes, sir.
Q How old are you? A 44, I think.
Q What is your post office? A Owasso.
Q You are a white man are you? A Yes sir.
Q Claiming as a citizen by intermarriage? A Yes, sir.
Q What is the name of the wife through whom you claim citizenship? A Stella Dawson was her name.
Q When were you married to Stella Dawson? A In '86, I believe. I don't just remember when. My license will show.
Q Married under a Cherokee license, were you? A Yes, sir.
Q Was Stella Dawson a Cherokee by blood? A Yes, sir.
Q Is she dead? A Yes, sir.
Q When did she die? A She has been dead about 10 years---11--10 I reckon.
Q Did you live with Stella Dawson from the time of your marriage up until the time of her death? A Yes, sir.
Q Have you married again? A Yes, sir.
Q Who did you marry? A Kittie Flournoy.
Q Is she living? A Yes, sir.
Q When did you marry her? A It has been about four years. My license here will show that.
Q She was admitted to citizenship, was she? A Yes, sir.
Q Have you and your wife Kittie been living together in the Cherokee Nation? A Yes, sir.
Q Have you made your home out of the Cherokee Nation since you were married to Stella Dawson? A No, sir; been here ever since.
Q Had Stella Dawson been married before she married you? A No, sir.
Q Had you ever been married before? A No, sir.
Q You have got some children by your first wife? A No, sir.
Q By your second wife? A Yes sir.
Q Isn't the first child a child by your former wife? A Yes, sir.
Q Your wife has some children by her former husband? A Yes, sir.
Q You made application for these children? A Yes, sir.
Q These children are all living with you? A Some are married. I never made application for one of her children. She was married. I made application for the rest. The children unmarried and still living are living with us.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Jesse O. Carr.

Subscribed and sworn to before me this 20th day of November, 1902.

(Signed) B.C.Jones,
Notary Public.

(SEAL)

---:---

Edith L. Morey, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a true and complete copy of the original transcript.

Edith L. Morey.

Subscribed and sworn to before me this the 25th of August 1904.

Charles M. Sampson

Notary Public.

Cherokee 10963.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE.
Tahlequah, I. T., August 29, 1904.

In the matter of the application of Kitty Richardson, et al, for enrollment as Cherokee citizens.

Laura Summers, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Laura Summers.
Q What is your age? A 17.
Q What is your postoffice? A Owasso.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A John Summers.
Q Is he a citizen of the Cherokee Nation? A No sir.
Q Are you and John Summers living together at this time? A Yes sir
Q When were you married? A 26th of July 1903.

- - - - -

I, J. F. Gaskill, being duly sworn state that as stenographer for the Commission to the Five Civilized Tribes, I recorded the foregoing proceedings and testimony and that the above is a true and correct transcript of my stenographic notes.

J. F. Gaskill

Subscribed and sworn to before me this 6 day of Sept 1904

Samuel Foreman
Notary Public.

To be filed with S. B. 382, Joint Record.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., SEPTEMBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF Francis Marion Dawson, wife and children for enrollment as citizens of the Cherokee Nation, and being sworn by Commissioner, C. R. Breedinridge, testified as follows:

Q What is your full name? A Francis Marion Dawson.
Q What is your age? A I am fifty eight years old.
Q What is your Postoffice? A Oochee.
Q What District do you live in? A Delaware.
Q Who is it you want to have enrolled? A Myself and family.
Q Your wife? A Yes, sir.
Q How many children? A Six.
Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A No, sir; she is a white woman.
Q How long have you lived in the Cherokee Nation? A Since 1883.
Q Were you admitted by the Cherokee Commission? A Yes, sir.

The applicant presents a duly authenticated certificate of admission to citizenship, showing that on the 11th day of January, 1883, certain persons were admitted by the Commission on citizenship, and among them appears the name of F. M. Dawson.

Q That is your name is it? A Yes, sir.

This is recognized as satisfactory evidence of the facts stated.

Q Have you lived in the Cherokee Nation ever since your admission?
A Yes, sir; in Delaware District ever since.
Q Give me the name of your child? A Katie Dawson.
Q How old is she now? A Forty five.
Q Was she admitted with you? A No, sir.
Q Have you married her according to Cherokee law since your admission? A No, sir.
Q You have not remarried since your admission? A No, sir; it was not necessary.

The applicant presents a duly authenticated marriage license and certificate, showing that he was married to his wife, as stated by him, in 1880, by the Reverend R. Y. Goudelock, in Carrol County, Arkansas, the license being issued by the Clerk of that County.

These papers are filed herewith.

Q Your wife was not admitted by the Cherokee Commission, when you were? A No, sir.
Q Or at any other time? A No, sir.
Q By act of the Commission or Council? A No, sir: she was placed on the rolls.
Q On the census rolls? A Yes, sir.
Q Give me the names of your children, please? A Lula.
Q How old? A Seventeen.
Q Next child? A Ray.
Q How old? A Fifteen.
Q Next child? A Jessie Jane.
Q How old? A Fourteen.
Q Next child? A Jacob Levy.
How old? A Ten.
Q Next child? A Ruth A.
Q How old? A He is eight I believe.

Q Next child? A Laura.
Q How old is that child? A She is four years old.
Q Is that all? A Yes, sir: six of them. I have others, but they are not at home.
Q Are they married? A No, sir.
Q Are they over age? A Yes, sir.

(1896 Roll, Page 461, 900, Francis Marion Dawson, Delaware.
1896 Roll, Page 309, 7135, Katie Dawson, Delaware District.
1896 Roll, Page 461, 903, Lula Dawson, " "
1896 Roll, Page 461, 904, Ray Dawson, " "
1896 Roll, Page 461, 906, Jesse James Dawson, Delaware Dis't.
1896 Roll, Page 461, 906, Jesse Levy Dawson, " "
1896 Roll, Page 461, 907, Ruth A. Delaware Dawson, " "
1896 Roll, Page 461, 908, Laura Albertis Dawson, " ")

Q Is this Lula or Luly? A Luly.
The applicant applies for the enrollment of himself, wife and six children.
Q Were these children all born since you were admitted into the Cherokee Nation? A Yes, sir.

The applicant is shown by the certificate of admission, cited in the testimony, to have been admitted to Cherokee citizenship by the Commission on Citizenship, January 11th, 1883; he is identified on the roll of 1896, but the representative of the Cherokee Nation desires to make inquiry into the methods of that time, and for that reason, the application of the applicant will at present be placed on a "Doubtful Card." He has lived in the Cherokee Nation ever since his admission to citizenship. His wife was married to him under United States law, and was married prior to his admission: she has never been divorced according to Cherokee law: She has lived with him ever since his admission to citizenship, and she is identified on the roll of 1896. The application for her enrollment will be placed on a "Doubtful Card".
Their six children, as enumerated in the testimony are identified on the roll of 1896. They are living at this time, all having been born since his admission (Applicant's). These children will be placed with him on a "Doubtful Card". The applicant's marriage to the mother of these children is established by the marriage license and certificate filed herewith. If any additional papers, adverse are developed in this case, he will be given timely notice thereof.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Cravens.

Subscribed and sworn to before me this 10th day of September, 1900.

(Signed) C. R. Breckinridge,
Commissioner.

BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment of F. M. Dawson and others as Cherokee citizens.

Depositions of sundry persons in behalf of the applicants for enrollment mentioned in the title, taken before me, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, at the office of G. S. Denison in the Gray-Halsell building in the town of Vinita, Indian Territory, on Thursday the fourth day of October 1900, between the hours of one and a half o'clock and six o'clock in the afternoon of said day, in accordance with the agreement to take testimony, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

T. F. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY G. S. DENISON:

Q State your name, age, residence and occupation?
A T. F. Thompson, 55 years old, I live near Vinita, Cherokee Nation, I. T. I am a farmer.
Q How long have resided in the Cherokee Nation? A All my life.
Q Are you a citizen of the Cherokee Nation as now constituted?
A Yes, sir.
Q Upon what is that citizenship based, blood or otherwise?
A Blood.
Q What, if any official position have you held in the Cherokee Nation, and at what time?
A I was elected to the Cherokee Council in 1870 some odd, I don't remember the exact year, I was also on the Commission Court.
Q Do you remember when that was? A Some tim in 1880 or 1881, I think, it my have been earlier.
Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.
Q State, if you remember, how many members of that Commission or Court, there were, and who they were besides yourself?
A There were three, Tehee, Wolf and myself, Tehee was President of the Court.
Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.
Q Did you have a Clerk? A Yes, sir.
Q Do you remember who that was? A D. W. C. Duncan.
Q Do you know whether the members of that Commission beside yourself, are living or dead? A Yes, sir, they are both dead.
Q Can you recollect now what period of time that Commission lasted?
A About two years I think, two sessions, and there was one session each year.
Q Were the sessions of that body held in Tahlequah, open to the public at all times when it was in session?
A Yes, sir.
Q Were the cases coming before that body heard in open session?
A Yes.
Q Witnesses examined orally? A Yes, sir.

Q Judgments of the Court or Commission pronounced in open session?
A In case of decisions I think they sometimes had secret sessions, your the judgments of the Commission were pronounced openly.
Q What you intended to convey by you answer to the former question was that after hearing the proof the Commission or Court deliberated in secret session upon the testimony taken before reaching a decision or announcing it? A After hearing all the testimony we went into secret session.
Q I will present you with a paper which the Notary will mark exhibit "A" and a copy of which he will attach to your deposition, and will ask you if with the exception of the certificate of record by H. L. Bragdon, Clerk, and John L. Adair Asst. Ex. Secretary, you recognize it as a paper you have ever seen before?
A I recognize the signature to it, but don't remember the instrument.
Q Which signature on that paper do you recognize? A My own.
Q That signature is in your own handwriting? A Yes, sir.
Q Do you know whether Thomas Tehee, president of the Commission could write in English or not? A No, I don't think he could.
Q How as to Alexander Wolfe, a member of the Commission?
A I don't think he could write either, I don't think either of them ever wrote except by touching the pen.
Q Were you, and are you familiar with the handwriting of D. W. C. Duncan, the Clerk of that Commission?
A Tolerably well, but it has been a long time since I saw any of it.
Q Will you look at the paper again and say whether you recognize his signature attached thereto?
A Yes, that is his signature to the best of my knowledge.
Q Do you preserve any personal recollection of the application before that Commission of F. M. Dawson and other members of the Dawson family, to be admitted as citizens of he Cherokee Nation by that Commission?
A I remember F. M. Dawson and his brother, that is about the only ones I remember.
Q The question was not as to the personal recollection of the individuals, but as to the claim being presented by the Dawsons for admission?
A Yes, there was such a claim before the Commission.
Q Can you state as to the citizenship of Thomas Tehee, whether he was a citizen of the Nation by blood or not?
A Yes, sir, he was always recognized as such, full blood besides.
Q What is your knowledge of Alexander Wolfe?
A About the same, he was also a full blood and recognized as a Cherokee.
Q Judge Thompson, if you possessed or had, or have now any knowledge of any corruption or bribery of the court or Commission, or may member of it by F. M. Dawson or any of the Dawson family or anybody connected with the presentation of their claim for citizenship, state it fully?
A None whatever as far as I was concerned, and I don't think there was the balance of the Court.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q I want to say Mr. Thompson that your name attached to the certificate shown you is in your handwriting?
A Yes, sir.
Q Mr. Bragdon certified that this is a transcript of the decision in the case, he is mistaken, that is the original?
A Yes, I don't know, that may be the original, if that is not the original I have not sign it, if it is the original I signed it.
Q You state that the witnesses were examined orally before the Commission, now that in almost every case you took ex parte

affidavits of witnesses when those witnesses were not present?
A I think we ruled exparte evidence out, as well as I remember.
Q Did you have any stenographer or anybody to copy the evidence?
Mr. Duncan did all of the copying.
Q Was the evidence copied and preserved?
A Yes, sir, I think it was.
Q What was done with that evidence, where was any of it ever put?
A I suppose it is at Tahlequah in the office of the Treasurer or Secretary.
Q When you went into secret session did you have Mr. Duncan read that evidence to you?
A Yes, sir, we went over the evidence thoroughly.
Q Did you allow the applicants or their attorneys admission to any of your secret sessions?
No, sir.
Q When you got ready to render your decisions did you then send for the applicants or their attorneys?
A No, sir.
Q And you rendered them in secret also, did you? A Yes, sir.
Q Have you any recollection who testified in the Dawson case, as to their claim? A No, sir, I have not.
Q Have you any recollection as to who they claimed their Cherokee ancestors were? A Yes, sir, they claimed the Rogers.
Q Did they claim relationship with any of the present families of Rogers residing in the Cherokee Nation?

The applicant objects to this question as tending to elicit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.

A I don't know that they did, particularly.
Q How would your court determine when they claimed descent through some Rogers family, that that family was of Cherokee blood?

The applicant objects to the question upon the same grounds as their objection to the previous question.

A By the evidence they produced.
Q Didn't you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were citizens thereof? A Yes.
Q Who was the attorney for the Dawsons? A Old man Houston Benge.
Q Could either Tehee or Wolfe speak English? A They could understand, but they never spoke English, they had an interpreter.
Q Did you ever talk to either of them as to whether they got anything for decidingthis case? A No, sir.
Q How long were you considering the case altogether?
A I could not say as to that, I think we were on it two or three weeks anyhow, I could not say positively now, they were a long time getting in testimony.
Q There were only two or three witnesses examined all told, were there not?
A I think so, three I think, they had quite a lot of affidavits, but we did not consider them.
Q Will the Court was a good while arriving at its conclusion after the evidence was closed?
A Yes, quite a good while, I don't remember the exact time.

RE-DIRECT EXAMINATION:

Q You remember who the interpreter the Commission had during the hearing of the Dawson case.
A His name was Reese, I forget his given name.

Q Do you know whether he is living or dead?
A I don't know, he seemed to be in bad health at the time we had the case up, I think they are all dead but me and Mr. Duncan.
Q What was He, a Cherokee by blood?
A He was considered a Cherokee by blood.
Q Do you know where he lived at that time?
A No, sir, he lived in the South part of the Nation though, I think in Sequoyah.

(Signed) T. F. Thompson.

Copy of Ex. "A" to T. F. Thompson's testimony.

CERTIFICATE OF RECORD.

United States of America,
Indian Territory,
Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, her by certify that the instrument hereto attached was filed for record in my office the 9 day of March, A. D. 1893, at 10-30 o'clock A. M. and duly recorded in book C. Micl Record Mortg. & Liens, page 339,

Witness my hand and seal of said court at Muscogee, in said Territory this 16 day of March, A. D. 1893.

(SEAL) M. L. Bragdon,

Clerk.

Transcript to which this is attached, undorsed on back as follows:

"No. 108, Robt. Dawson et al, VS the Cheroke Nation, Transcript of Judgment, Filed Mar. 9, 1893 10-30 A. M. Marshall L. Bragdon, Clerk.,

OFFICE OF COMMISSION ON CITIZENSHIP,
TAHLEQUAH, CHEROKEE NATION, JANUARY 11th, 1883.

Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly
No. 108 Dawson, Wilbron Dawson, James Dawson, Rial Dawson,
VS,
The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1883, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship, that the claimants, Rob't Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, and Rial Dawson, are Cherokees by blood: and that they are entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they should be, and they are heroby

admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. W. C. Duncan, Clerk of Commission.) Thomas Tehee, President of Com. Alex Wolf, T. F. Thompson,) Commissioners.

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears of the record in my office.

D. W. C. Duncan,
Clerk of Commission.

January 11th, 1883.

Executive Department,
Tahlequah, Cherokee Nation,

January 11th, 1883,

I hereby certify that the within named Commission on Citizenship, composed of Thomas Tehee, President, Alex Wolf and T. F. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and Commissioned Commission on Citizenship, and that their actions as such are legal and binding.

Witness my hand the

Witness my hand and the seal of the Cherokee Nation, on the date above written,

John L. Adair,
Asst. Ex. Secretary.

United States of American,
Indian Territory,
Northern District,

I, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. F. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. F. Thompson, L. T. M. - N. P. Oct. 4, 1900. " The foregoing copy having been carefully compared by me with the said original.

Given under my hand and seal of office as such Notary Public, this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.

My commission expires Feb 3rd. 1902.,

D. W. C. Duncan being produced by the applicants after being sworn to testify to the truth, the whole truth and nothing but the truth testified as follows:

DIRECT EXAMINATION BY C. B. DENISON:

Q Please state your name, age, residence and occupation?
A My name is D. W. C. Duncan, my age is 70 years, my residence is Vinita, Indian Territory, my occupation is a farmer.
Q How long has that been your place of residence? A Since 1874.
Q Are you a member of the Cherokee Nation as it is now constituted?
A Yes, sir.
Q Upon what is your citizenship based, a Cherokee by blood?
A Yes, a Cherokee by blood.
Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?
A About that time I held the position of Clerk of the Citizenship Court or Commission.
Q If you remember the names of themembers of that Commission or Court, please give them?
A The President of the Commission was Tehee I believe, and a member by the name of Wolfe whose first name I do not recollect, and Mr. Thompson here.
Q T. F. Thompson?
A Yes.
Q Do you know whether those three members of that Commission were recognized citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?
A They were supposed to be citizens of the Cherokee Nation and their citizenship was based upon their blood.
Q Will you please look at the paper now handed you which the Notary has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will attach to Mr. Thompson's applications, and state whether with the exception of the certificate of H. L. Bragdon, Clerk, and of John L. Adair Asst. Ex. Secretary, you recognize the paper as one you have ever seen before?
A Yes, I think I have seen this before.
Q When, and where, if you remember, did you first see that paper?
A This is a paper I drew up at the time I was acting as Clerk of the said Citizenship Court.
Q Looking at its date, was it drawn at you at the time it bears date?
A To the best of my recollection it was drawn at the date specified.
Q Do you recognize the signature to the certificate attached to that paper?
A Yes, that is my signature.
Q State if you know, in whose handwriting the body of the paper is?
A It is in my handwriting.
Q And at that time you were Clerk of that Commission? A Yes.
Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and state if you can, by whom they were written?
A I think the first two is my handwriting, the last I recognize that is T. F. Thompson's.
Q Explain to me, how you came to write the signatures of Tehee and Alex Wolfe to that paper?
A Tehee and Alex Wolfe were full bloods and could not write, and in their presence, and at their request I wrote their signatures.

Q Was that the usual manner of certifying to the action of the Commission to applicants as to the decision of their application for citizenship, where admitted?
A In all instances where it was necessary for the Court to sign a paper of any kind it was adopted by that Court for the Clerk to sign Tehee's and Wolf's names and T. F. Thompson to sign his own name.
Q You didn't catch exactly my idea, but perhaps that answered it, what I intended to call you attention to, was whether when applicants had been admitted to citizenship a paper of this kind now shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?
A My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was entered upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.
Q If you had any knowledge at the time the application of the Dawson family, F. M. and others whose names are mentioned in that paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. M. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?
A I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind is what has originated recently, since the enrollment business has been inaugurated.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q If as you certify, this paper was a transcript of the record, why did you have the judges sign it?
A I know no reason further than that was the practice at that time, the members of the Court being present I presume it was thought it would be an good or better than the signature of the Clerk.
Q Examine that signature of Mr. Thompson, examine the first T in his name and the T in Tehee's name and see if it is not all your own handwriting?
A No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accident.
Q Now was the evidence taken in those cases?
A It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q Do you know whether that evidence is in existance or not?
A I do not, the last I saw of it was when I turned the records over to the Executive office at Tahlequah, and I have not seen it since.
Q You may you never heard any talk about this being an improper [illegible] very recently?
A [illegible] would depend upon what you mean by recently, I don't [illegible] ever heard of it prior to three years ago, I can safely say that I did not.

Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross-examination.

A They claimed their right of citizenship through a man by the name of Rogers, I don't recol ect him first name.
Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?
A I do.

(Signed) D. W. C. Duncan.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do certify that the foregoing depositions of T. F. Thompson and D. W. C. Duncan were taken before me at the time and place and in the action mentioned in the caption, and said T. F. Thompson and D. W. C. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence; the claimants being present in person and by their attorney O. B. Denison, and the Cherokee Nation being represented by W. T. Hutchings Esquire its attorney,.

Given und r my hand this 4th day of October, A. D. 1900.
(SEAL) (Signed) Lewis T. Martin.

Notary Public.
My co mission expires 2/3/1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1902.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation,. He being sworn and examined by the Commission, testified as follows:

Q What is your name? A Francis Marion Dawson.
Q How old are you? A Soon will be sixth years old.
Q What is your postoffice address? A Afton now, it used to be Oseena.
Q What was the name of your wife? A My first wife was Julia Ann Howard.
Q She was a white woman? A Yes, sir.
Q When were you married to her? A I think it was the 8th of January 1894.
Q Where were you living at that time? A In Arkansas.
Q Who married you? A A man by the name of Dave Sturdy.
Q He was a preacher? A Yes, sir.
Q Minister of the Gospel? A Yes, sir.
Q Did you and she live together as husband and wife up to the time of her death? A Yes, sir.
Q Did you have any children by her? A Yes, sir.
Q What are their names? A William R. Dawson.
Q The next one? A Francis Marion Dawson Jr.
Q The next one? A Johnnie.
Q The next child? A Elizabeth.
Q The next one? A Arizona Allred.
Q Those are all the children you had by your first wife? A Yes, sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Joseph R. Dawson.
Q How old are you? A I will be 51 the 13th day of June.
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes, sir.
Q How are you related to him? A Brother.
Q Did you know his former wife, Julia? A Yes, sir.
Q Is she living or dead? A She is dead.
Q Was she a Cherokee or white woman? A I couldn't say what; she was married in the states.
Q Do you know when he was married to her? A Yes, sir.
Q When was it? A About the close of the war.
Q Who married them? A Parson Sturdy.
Q Were you present when they were married? A Yes, sir.
Q Did they continue to live together as man and wife up until the time wife Julia died? A Yes, sir.

[illegible] Stevens, being sworn and examined by the Commission, [illegible] follows:
[illegible] name? A John K. Stevens.
[illegible] old are you? A 56 years old.
[illegible] postoffice address? A Afton.
[illegible] acquainted with the applicant here in this case, Francis [illegible], sir, as we call him, Mad Dawson.
[illegible] how long have you known him? A My first acquaintence with him [illegible]
[illegible] was his first wife, Julia? A Yes, sir.

Q Do you know whether or not they were married? A Yes, sir, they were married.
Q Were you present at the marriage? A No, I wasn't present at the marriage.
Q Did you see them soon after their marriage? A Yes, sir.
Q Did you continue to know them for any length of time afterwards? I knowed them as long as she lived.
Q During the time you knew them did they live together as husband and wife? A Yes, sir.
Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following Cherokee cases:
Arizona Allred et al D-935, John Dawson, D-580, William R. Dawson D-581, Lizzie Dawson D-584 and Francis M. Dawson Jr. D-588.

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I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) E. C. Rothenberger.

Sub.--C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 17, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS M. DAWSON, ET AL., as citizens of the Cherokee Nation:

The case having been set for final hearing March 17, 1902. the following proceedings were had:

APPEARANCES:
Mr. A. S. McKennon, of counsel for applicants;
Mr. W. T. Hutchings, of counsel for Cherokee Nation.

Mr. Hutchings: Comes now the Nation on the calling of this case and announces that it is ready for trial, provided permission is given to hereafter examine before the Commission, either at this place or Fort Gibson, the witness S. H. Benge, who has been regularly summoned to attend at this day and time but who is too sick to travel at this time and probably will be for some time to come. As evidence of a good faith of the Nation we hereby present an affidavit of the facts sought to be proven by the said Benge. If the applicant's counsel are willing to concede that the witness if present would testify to the facts herein set forth, the Nation is ready to proceed to trial without reservation of any kind. If they are not it desires to reserve this privilege of hereafter, either tomorrow or otherwise, this case being set for to-day and tomorrow, of examining before the Commission, or its authorized officer, this witness as above set forth.

Mr. McKennon: Applicants object to the introduction of the paper presented and do not admit that the witness, Samuel H. Benge if present would testify to the facts therein stated. They consent and desire that the testimony of said Benge be taken before the Commission at its office in Muskogee but not elsewhere, and protest against it being taken at any other place, with the understanding, however, that when taken we have opportunity to introduce any evidence we may desire in rebuttal.

Mr. Hutchings:
The Nation will pay all the expenses of the opposing Counsel, their client and Commission officers in taking the deposition at Fort Gibson.

Commissioner Breckinridge: The allegations of this witness are material in their character and are quite tangent. The Commission of its own volition would acquire information of that character if it knew of its existance anywhere. While the functions of the Commission, as well known are in many respects judicial, yet it is vested with somewhat complex powers, such as Congress creates from time to time to do business of certain character, and it is ordered to make a correct roll, which is a duty largely independent of hearing simply what is brought before them; it must be the architect and constructor of that roll and if evidence is not brought before before the Commission it must go out and get it, to a uniform on that construction of the law. The Commission, therefore, desires this information independent of any counsel on either side both with respect to the applicant and to the Nation, and if this [illegible] is

is not able to come one of the Commissioners will go to Fort Gibson and to his bed-side, or send a proper official, if necessary to take his testimony. The only matter to consider, therefore, is one of convenience with respect to getting this testimony. Now, I understand that this witness is an extreme sufferer from Bright's Disease he is an old man and he may never be able to get out of the house, and it may be an injustice to him to subject him to a trip here, and therefore it seems to me better that counsel for plaintiff submit to a form of taking a deposition or else accompany an official of this Commission over to Fort Gibson and let his testimony be taken there.

After consultation with the attorneys upon the two sides it is found to be agreeable that the parties start to Fort Gibson to-morrow morning at half past eight o'clock, and it is agreed that and directed with an official of the Commission with a stenographer leave from the office of the Commission for Fort Gibson at 8:30 to-morrow morning.

FRANCIS M. DAWSON, the applicant, re-called for additional cross-examination on part of the Cherokee Nation:

MR. HUTCHINGS:

Q What is your name? A Francis M. Dawson.
Q Where do you reside? A In Afton.
Q You have been examined in this case heretofore, have you?
A I don't know which case it is.
Q In your own case? A Yes, sir.
Q Are you the one that is commonly called Bud Dawson? A Yes, sir.
Q You made the original application in the Dawson family for admission to citizenship in the Cherokee Nation, didn't you? No, sir; my brother.
Q What was his name? A A. E. Dawson.
Q You and Robert Dawson and Elbert Dawson and others applied September 24, '81, about that time? A Yes, sir.
Q And you were admitted about the 11th of January '83? A Yes, sir.
Q There were other members of your family that applied and were admitted after that time? A Yes, sir.
Q Do you or not remember the evidence offered in those subsequent admissions to substantiate their cases was the relationship between yourself and Robert and others and the evidence of your admission by the Tehlequah Court. In all the subsequent admissions I mean the only evidence offered was the fact that you and your brothers had been admitted and that they were kin to you; that was the only evidence offered in any subsequent cases, wasn't it; so far as you know?
A That is afterwards?
Q Yes, afterwards? A I think there was some other evidence introduced.
Q Don't you know that there was never any evidence of any kind in any other case except evidence of Dr. Baker of Arkansas, isn't it, sir.
Q Who else? A Oliver Miller.
Q Who was Oliver Miller; the records in this case show a number of aliases and mutilated? A Oliver I don't know.
Q What was he, who was he? A He is a white man.
Q Well, what station in life did he occupy? A Farmer.
Q Yes, sir, farmer.
Q Were you present when he testified? A Yes, sir.
Q Were you present when Dr. Baker testified? A Yes, sir.

Q Have you a fair recollection of the testimony of those two men?
A No, not at all.
Q You don't read do you, Mr. Dawson? A No, sir, I dont read nor write; I can barely write my name.
Q Do you think you would remember the testimony of Mr. Baker if your mind was refreshed on it? A Part of it I think.
Q Were you present when you were admitted? A I was not in the room.
Q You were in Tahlequah at the time? A I was in the town of Tahlequah at the time.
Q I will read this paper to you and desire for you to say whether or not it was the testimony of Dr. Baker in your case:
(Affidavit of Dr. Arthur Baker read to witness, and asked to be copied in the record later.)
Q Is that the correct transcript of the testimony? A It has been so long ago, I could not say; a part of it is, I could not remember it all.
Q Does that state the facts as to the family history correctly so far as you know about it? A So far as I know.
Q Now, you were a son of what Dawson? A Robert Dawson.
Q How many children did Robert Dawson have, and give me their names?
A Elbert Dawson, the oldest; Lila, Jesper, Francis Marion-
Q That is yourself? A Yes, sir; Elizabeth Dawson, Josephine Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson, Edna Dawson, Mollie Dawson, Wilburn Dawson.
Q Thirteen? (No response.)
Q Now, Rober Dawson's father was whom? A Sam Dawson.
Q Who was Sam Dawson's wife, your grandmother? A I have been told.
Q By family history is all you know? A She was called Polly Dawson.
Q Who was Anna Pruitt? A I don't know.
Q Never heard of anybody in the family by the name of Anna Pruitt? A No, sir, that was away back in the old country; I have heard talk about it, old Dr. Baker talked about it.
Q Your grand-mother's name was Polly Dawson? A Yes, sir; I don't remember seeing her but once, she died when I was small, died in Texas.
Q Pollie Dawson? A Yes, sir.
Q And she was known to be Pollie Rogers, her maiden name? A Yes, sir.
Q Daughter of Captain John Rogers? A Yes, sir.
Q Now, she died in Texas what time? A I don't remember.
Q Can't you guess at it? A Oh, I could guess.
Q Give your best recollection? A About '58 or '59, or no, '46 or '49; I don't say positive, just guessing at it.
Q How old a boy were you then? A I was born in '43.
Q Have you any distinct recollection of her? A No, sir.
Q Have you any recollection of all the children of Sam and Pollie Dawson; that is, your father, uncles and Aunts? I didn't see all of them.
Q Do you know by family history the names of all of them? A Yes, sir.
Q Will you give them to me?
A Betsy Ann Dawson, I believe her name was.
Q Did she marry a Petty? A Yes, sir; the next is Robert Dawson.
Q Your father? A Yes, sir.
Q Next one? A I think the next was James Dawson, and I think the next one was a girl, Edna Dawson.
Q Did he have two daughters? A Yes, sir.
Q Well sir? A The next one was Joe Dawson; I never saw him; Riley Dawson.

Q That is Samuel R. Dawson, Riley Dawson? A Yes, sir.
Q Any other one? A That is all I know anything about.
Q Did he have any child by the name of John? A Yes, Jack.
Q Didn't you get Jack misplaced with Joe? A No, it was Joe; I have heard my father speak of him.
Q Then they have seven children? A I never see them all.
Q How many of them did you ever see? A I seed uncle Riley Dawson and James Dawson and Jack Dawson and Betsy Ann Petsy; I don't think I saw but one of Pa's sisters and brother, they went to Mississippi I think.
Q Do you know what your family history says that the mother of your grandmother, Pollie Rogers' name was? A We have no history.
Q Well, as it was brought down to you; did you ever hear anybody say what your great grandmother's name was? A No, I don't remember.
Q What is that other man, Oliver Millerthat testified in your case? A He testified in James Dawson's case; he never testified in my father's case.
Q Well, didn't anybody testify in your case but Dr. Baker?
A Yes, sir, several other witnesses.
Q Who were they? A I don't remember; my mother got them witnesses around Tahlequah, old people.
Q Were you present? A No, sir.
Q You were only present when Mr. Baker testified? A Yes, sir.
Q Now, do you find any mistakes in Dr. Baker's statement there? A I could not say all of that was correct or not, part of it is correct.
Q What part is correct? A Why about knowing the family over there.
Q Who is Buck Dawson? A My brother.
Q What is his name? A We always called him Buck, it is Elbert, E. Dawson.
Q Who went with you the first time you went up to make application for citizenship do you remember? A With my brother.
Q The first time? A I met my brother in Texas.
Q Which one? A E. Dawson.
Q That is Elbert or Buck? A Yes, sir.
Q You were living in Arkansas? A Yes, sir.
Q And he was living in Texas? A Yes, sir, and another one of little brothers, Dr. Dawson now:
Q Dr. Dawson now? A Yes, sir.
Q What is his name? A James.
Q And you three went there? A Yes, sir.

Mr. McKennon: Applicants by their counsel object to all the statement of the witness relating to the testimony introduced before the Cherokee Citizenship Commission, and the history of the family as detailed by him, because the case is incompetent and irrelevant, and cannot be used for the purpose of impeaching the integrity of the judgment of said Commission, or either of the Commissioners in admitting members of the Dawson family.

Commission: The objection of the Attorney for the applicants to the testimony above will be noted. The same will be filed and noted for what it is worth.

(Attorney for applicants waives examination.)

C. H. TAYLOR, being duly sworn, testified on behalf of the Cherokee Nation:

DIRECT EXAMINATION BY MR. HUTCHINGS:

Q State your name? A C. H. Taylor.
Q Where do you reside, Mr. Taylor? A Near Coffeyville.
Q Were you an attorney before various citizenship Courts along in '01 to '8- in the Cherokee Nation at Tahlequah? A Yes, sir.
Q Were you attorney for F. M. Dawson commonly known as Bud Dawson? A Yes, sir.
Q Were you present at the taking of testimony in that case? A No, sir. I wasn't present.
Q Do you know who composed the court that decided the case at that time? A Yes, sir.
Q Who were they? A Tom Teheo and Alex Wolfe and Tommy Thompson.
Q Do you know whether or not they were all there when the case was decided? A No, sir, there were only two of them present.
Q Which two? A Teheo and Wolfe.
Q Who was the Clerk of the Court at that time? A Mr. Duncan, D. W. C. Duncan.
Q Do you know what witnesses were used in the case of Bud Dawson? A No, sir; now I was the attorney in the case and the evidence had already been filed before the Court.
Q When were you made attorney? A I was only called in as an attorney at the-- Well, Mr. Duncan came down there, and Mr. Bryant had the case and several other attorneys had the case and he employed me.
Q Did you read the evidence in this case? A No, sir.
Q Did you deliver any money? A Now, I was the attorney in the case and I don't think it would be right for me to make any statement.
Q Now, you have claimed your privilege, I ask that you answer the question? Did Dawson ever send you any money with the direction to pay it to either member of the Court or the Clerk of the Court, D. W. C. Duncan, and if so state the amount? A I had a heap of trouble over this matter.-

Commission: Just answer the question, Mr. Taylor.

A Again; the attorney I don't believe it is right for me to answer that question.

Commission: Do you refuse to answer? A Yes, sir.

Q Did the matter to which you object to testifying occur prior to the rendition of the decision admitting to citizenship or afterwards? (No response)

COMMISSIONER BRECKINRIDGE:

Do you decline to reply to the last question? A I don't think it is right; I was attorney in the case.

Mr. Taylor, do you object to answering that question? A Yes, sir.

You refuse to answer this question, do you? A I had rather not answer it.

Either answer it or say you won't answer it? A I had rather not answer it.

Mr. Taylor, you have answered a number of questions down to this point, and it is at this point that you prefer to claim your privileges, as an attorney, do you? A Yes, sir.

Com'r Breckinridge: The order in regard to these matters is lodged in the United States. The Court is clothed with special power with reference to the orders to be made through this commission. Of course it is contemplated that the records

make for the making of a correct roll [illegible] possible, but it is subject to the limitation of law, [illegible] it is not for this Commission to decide of the law in any case or of this character with any authority as I understand it at this time, but to report the matter to the United States Court and not the Court's judgment.

Under Section 21 of the Curtis law as it is commonly called Act of June 28th98, the Members of the Commission shall in performing all duties required of them by law, have authority to administer oaths, examine witnesses and send for papers and persons, and the court is clothed with authority to enforce obedience. The law having enumerated certain powers goes on to say so far as all others are concerned to enable said Commission to make rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work. Now, the Commission will report the facts to the United States Court and let the Court decide whether or not you are within your lawful privilege. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what what is commonly considered a matter of privilege--according to an authority referred to by an attorney, but the enforcement of an answer seems clearly to be a matter for the Court to deal with.

Q Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct that you make answer, and if you refuse I shall report the matter to the United States Court: do you refuse? A Yes, sir.
Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer; viz; as to whether Mr. Dawson sent you money to pay to the Court or to any officials of the Court, it seems to come to the question as to whether there was any collusion between you and Mr. Dawson and any member of the Court; now, I understand that you refuse to answer that question upon the grounds that you were Mr. Dawson's attorney? A Yes, sir.
Q Now, I require that you answer that question, do you refuse?
A Yes, sir.
Q I shall also report that refusal to the United States Court as it seems to come under the provision of law, relating to conspiracy between you and Mr. Dawson which apparently considered a privilege matter, and you base your refusal now, not upon the ground that you are incriminating yourself, but that you were counsel for Mr. Dawson. I will report the matter to the Court and you will be informed at the time of any proceedings in the matter I caution you not to talk with Mr. Dawson or any of the applicants in this case.

Mr. McKennon: Applicants do not object and have not objected to the witness answering on account of his privilege as an attorney or for any other cause whatever, they only want to object to the incompetence and irrelevancy of the testimony, with the privilege of cross-examining upon any testimony given by the witness.

COM'R BRECKINRIDGE:
Q You still refuse having the consent of the attorneys in the case to make answer? A I will just ask your Honor to let the matter go over until morning.

Commissioner Breckinridge: It will rest until the morning at its present status: it is after business hours now.

As for the objection made by Captain McKennon, Counsel for the applicant, it will be taken into consideration, but will not be granted at the present.
(The Commission adjourns until 1:30 P. M. to-morrow afternoon, March 13, 1900.)

Supl.-C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., March 10, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS M. DAWSON ET AL., as citizens of the Cherokee Nation:

Appearances:
Mr. A. S. McKennon, of Counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

SAMUEL H. BENGE, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Samuel H. Benge.
Q Where do you reside? A Fort Gibson.
Q How old are you? A I am 70 years old, going in 71.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; Cherokee by blood.
Q State what official position you have held in the Cherokee Nation and what your general connection with the Nation officially in the last 40 years? A Well, I had several; I have been Sheriff, Councilman, Senator, Delegate to Washington; had a hand in making the treaty of 1866, I am the only one living that signed that treaty; President of the National Council of different tribes of Indians.
Q Were you acquainted with F. M. Dawson, commonly called Bud Dawson? A Yes, sir; I knew him.
Q State you connection with and what you know about his citizenship case before what is known as the Thomas Tehee Citizenship Court? A Mr. Dawson came down, I was living down below here, he come and employed me to tend to his case and we went to Tahlequah, I believe if I ain't mistaken in 1901 and filed his case there; we went several times and continued his case on for the want of evidence, and finally while we was up there we run across one old darkey by the name of Tosh Rogers; we got his testimony and after we got that testimony we concluded that it was sufficient to go into the trial with. Tosh lived here at Fort Gibson, he was a horse trainer down here and stayed here; he claimed that he knew the Rogers and belonged to one of them and after what we thought we had sufficient evidence we submitted our case to the Court for trial, and the Court went to work and rendered a decision against Mr. Dawson. I told Mr. Dawson right there that "our cake is dough", just made that remark, and he just made the remark "never mind", and next morning they taken up his case again and they rendered a decision in his favor. I filed no motion nor any evidence at all whatever; I give the case up right there and the decision was then given in his favor, and on our way back from Tahlequah, why we got to talking about the case and I told him: "it was a pretty hard blow when they rendered that decision against us." He said: "yes, but Duncan was the man to reach", but he reached his hand five thousand dollars.
Q What position did Duncan occupy? A He was clerk of the Court.
Q Duncan an educated man or—? Yes, sir; he was an educated man.
Q Who were the members of the Court? A Tom Tehee, Alex Wolfe and Tom Thompson.
Q How many of those could speak English at all? A One.
Q Which one? A Thompson.
Q Who was the Attorney that represented the Nation in those cases? A Thy Sanders.

Q What was his given name? A Wilson Sanders; was it Wilson Sanders?
A Wilson Sanders.
Q Was he an educated man, or could speak English well? A No, sir.
Q Did Mr. Dawson say anything about the matters having cost him a good deal of money? A He said it had cost him a right smart.
Q Was any remark made on the way back about the opening up of the case, and if so, what? A He asked me if I thought the case was ever investigated eventially and I told him I didn't know.

MR. McKENNON:

Q Were you ever a witness in the Dawson case, Judge, in any of those investigations that have been made since that time? A I don't know that you might call it a witness; that young man come to me once at Tahlequah, and asked me to help him up there that the case was going against him, him and his mother and all was about knocked out and I interceded and done what I could there before the Committee. I was not a witness but that is what I don't for him.
Q That was Mr. Graham, wasn't it? A Yes, sir.
Q Have you had conversations with Mr. Graham since that time about it? A Now, I might, I don't recollect, I might have had conversations with him.
Q Well, after the Dawes Commission began taking a census of the Cherokees and when they were about Sallisaw down here, did you have a conversation with him here in Fort Gibson about the matter?
A Now, I just can't tell you; I have seen him on several occasions, but the conversations we might have had I can't state.
Q To refresh your memory I will ask you if he did not tell you that they were making a fight on the Dawson family and he wanted to know of you whether that judgment in favor of Robert Dawson's family was fairly rendered, and did you not then tell him that it was all right, that it was fairly obtained? A Not as I recollect of; all he said; that is as I have stated he talked to me in regard to his mother, himself and probably his brothers and sisters, I don't recollect how many there were, but he told me they were rejected, that is just the words he used.
Q When? A It has been sometime ago.
Q Here in Fort Gibson? A Well, that is I saw him here in Fort Gibson, and then I saw him in Tahlequah.
Q Well, did he here in Fort Gibson ask you particularly about the Robert Dawson judgment, as to whether it was fairly obtained or not?
A No, sir; he was basing his claim on the Dawson case, that is the way he-
Q That is the principal Dawson family? A Yes.
Q When was this other written statement here made, when was this made by you? (referring to affidavit heretofore referred to.)
A Yesterday I reckon.
Q Who come to take this? A Mr. Starr.
Q Who else was present when this was taken? A No, sir.
Q Whom had you told about this matter, Judge? A No one as I know of.
Q Do you know how it was that they knew that you knew this?
A No, sir.
Q You never made any statement? A Never made any statement that I recollect of except I might have talked with Scales, he and him talked about these cases a good many times; if I ever made a statement it was to Joe Ab Scales.
Q How did Mr. Starr know? A I could not tell you how Mr. Starr knew.

Q He came alone here as a Notary Public? A He came alone here as a Notary Public. All he said when he come, he says "we understand that you know something in regard to these cases", I said " what case," and he went to work and named Shoemake case and Dawson case.
Q And thereupon you made this tatement? A He said he wanted to qualify me.
Q Are you certain Judge that after the rendition of that judgment Mr. Dawson came back here to Fort Gibson with you?
A Yes, sir; we was together.
Q Let me ask you if it was not a very cold day when he came here that he went over ahead of you and you went over to Tahlequah the next day or two after he left? A My recollection was he and I went together.
Q And returned here together? A Yes, sir.
Q Did he not leave you there and go back direct to Arkansas?
A No, sir, we came here together. If my memory serves me right, I might be mistaken but then I don't believe I am, he came from Webbers Falls up here to my house, that is according to his statement.
Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.
Q How didthey pay you? A Paid me the money.
Q Who paid it to you? A Dawson there and that fealow, young fellow paid me some.
Q Mr. Graham? A Yes.
Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.
Q I will ask you if Mr. F. M. Dawson here did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you $50 that they paid you? A No, if I ever got a letter of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over i Arkansas, but not living down in Texas, I don't know about it.
Q Where did he pay you the money? A Paid it here at home.
Q Before you went out? A He paid me fifty dollars before we went up and when we went up yonder he paid me fifty dollars more; you want to know what I got, I got one hundredn dollars.
Q You were acting as his attorney in the case? A Yes, sir.
Q How many judges were there present when the judgment was rendered in his case?
A Two, sir. A Well, according to my recollect there was all there, but if they were not all there, Tom Thompson was sick. Bunch and Wolfe.
Q Don't you remember that they were all present? A No, I think there was present though.
Q Who else was present at the time? A Oh, I could not tell you, there was several people in the house; could not tell you at all.
Q Were there several in the house the evening before the judgment was rendered against them as you say? A Yes, there were several in the house.
Q And several in the house when the judgment was rendered the next day? A I don't know how many there was.
Q Do you remember the names of any of them? A Why not exactly, mostly full bloods.
Q How long did you remain out at Tahlequah on that trip?
A I guess I was there about three days.

Q Tending to this case alone, or did you have other cases? A no, sir.
Q Do you know of your own knowledge that the judges received any money (this question asked at the instance of Mr. Graham present)
A I don't know whether the judges received nay or not.

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I, J. O. Rosson, do hereby certify upon my official oath, as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

March 18, 1902. Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. H. TAYLOR taken the stand and continues his testimony.
BY MR. HUTCHINGS:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today; have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held as in contempt of the Court.
Q You would be held in contempt and the other Court would make you answer? A That being he case of course I would make a statement.
Q Are you acquainted with D. F. C. Duncan, the Clerk of what is known as the Tehee Citizenship Commission Court? A Yes, sir.
Q Did you ever have any conversation with him about letting him know of the different character of cases that would come up before the Court that you knew of, whether they were good ones or bad ones? A No, the only thi g that ever come up in that respect; he asked me if whatever large cases that would come up before the Court to let him know.
Q Did you have any talk with him about the Dawson case during the progress of its trial or before and ever introduced Mr. F. M. Dawson to him, or carry him to him? A I spoke to him when Mr. Dawson came to Tahlequah to see about his case, and he said that he would take the papers over to his room, the Dawson papers.
Q Did you see him again that night? A Yes, sir; after supper I went down to his room.
Q Did he ask you about the Dawsons or Dawson case? A He asked me where Dawson was.
Q Which Dawson are you referring to now, F. M. Dawson, known as Bud Dawson? A Bud Dawson.
Q Well, what didyou reply to him? A I told him that I thought he had gone to church.
Q Did you find Dawson after church? A Yes, sir, he told me to come and bring Dawson down and I did so; Dawson was in church.
Q You carried Dawson to him? A Yes, sir.

Q Did you remain during the conversation? A Only a minute.
Q What was said if anything while you were present? A Mr. Duncan spoke to Mr. Dawson and says "there is a hitch in your evidence."
Q Go ahead and state what else he said? A He said "if that was straightened out it would be all right," and I turned and went away, I says, "gentlemen, I will go home."
Q Did you know of their having any other conversation or communication after that? A No, sir.
Q You left them there together yourself? A Yes, sir.
Q Did Mr. Dawson give you any directions the next morning about submitting the case? A Yes, sir, he asked me to call it up the case.
Q The next morning? A Yes, sir.
Q Had there been any additional evidence offered? A No, sir; there was not additional testimony offered.
Q He told you the next morning to call up the case? A Yes, sir.
Q Was it called up and submitted the next morning? A Yes, sir.
Q Now, how many of the members of the Court were there present that morning? A There were only two, two full-blood Indians.
Q Could they speak english at all? A Tehee could talk a little, talk some.
Q Did that Court have open sessions all the time or what is called executive sessions sometimes? A Well, I don't remember about that; it was generally when the case was submitted the attorneys would go out. The parties would go out and they would determine the case.
Q Well, did they go out into that sort of executive session the next morning on the Dawson case? A Well, we went out when the case was submitted.
Q And was the decision rendered that morning in their favor?
A Yes, sir.
Q Who notified you of the decision of the Court? A Why, Mr. Dawson.
Q Do you remember whether he went out with you or was in there during the consideration of the case? A I think he went out with me.
Q Did you at any time thereafter receive any money, checks or other evidence money from Mr. Dawson with direction to turn it in part over to D. W. C. Duncan, the Clerk of that Court? A Mr. Dawson gave me 20 dollars and said he would send the balance in a short time, said he would send some more money in a short time.
Q Well, did he send any money afterwards? A Yes, sir, in the course of ten days or two weeks he send a hundred dollar check, draft.
Q What did he direct you to do with it? A He directed me to give D. W. C. Duncan half of it.
Q Did you give him half of it? A Yes, sir.
Q Did he send you any at any other time after that? A Well, in the course of a couple of weeks he sent me a hundred dollars more.
Q Did he direct you to turn any of that and if so how much, to D. W. C. Duncan? A He told me to give him half of it,
Q Did you give him half of it? A I did, sir.
Q Do you remember whether or Dr. Arthur Baker was the principal witness in behalf of the Dawson case? A No, sir, I don't because I never had any connection with the case, but I heard that he was a witness in the case.
Q No argument was made when you submitted the case? A No, sir.
Q Just submitted it on the testimony? A Yes, sir.

MR. McKENNON:

Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Were you born and reared in the Cherokee Nation? A No, sir; I was born in the old Nation.

Q When did you come to the Cherokee Nation? A Come here in 18[illegible].
Q How long have you been practicing law in the Cherokee Nation?
A I think since '68.
Q You have done a great deal of citizenship business haven't you?
A Yes, sir.
Q You were in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.
Q Were you convicted there? A Yes, sir; I was convicted there on this very case.
Q And served a term of what length? A I was sent to the jail hospital for sixty days and I stayed in about 38 or 39 days, and I was released.
Q When was that? A I don't remember how long ago it has been.
Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention; Clem Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.
Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the mail for fraudulent purposes.
Q Sending out propositions and obtaining case for citizenship for people [illegible] Cherokee Nation? A No, sir, it was for answering correspon[illegible].
Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went before the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.
Q Well, now, was the charge based upon that or was it based upon your letters you sent out to other people? A That was the charge for using the mail for fraudulent purposes.
Q The use of the mails for fraudulent purposes not in connection of this case was it? A Not particular of this case.
Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is what you mean to say? A Yes, sir.
Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.
Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.
Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.
Q Yet when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occured between you and your client, Bud Dawson, in relation to this matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.
Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he summoned me and I come down here and I didn't want to make a statement to him but he insisted.
Q He had no power to compel you to make a statement? A No, sir.
Q You could then make it very freely and your conscience did not hurt you, but when you came on the stand you were very conscientious about it? A I didn't want to make a statement at all unless I I would be put in jail here if I didn't.
Q But you had armed them with information by which they could ask you these questions when you came on the stand? A I had told Mr. Hastings.

Q You knew when you gave him that information that you would be brought on the stand as a witness, did you not, by reason of that?
A No; I didn't know that I would be compelled to make a statement in the matter, a sworn statement.
Q You thought you would not be compelled to answer?
A I didn't think the law would compel me to make a statement.
Q Why then did you make a statement to him about it? A Oh, he was asking me about it, and I told him that I didn't want to make a statement, and I didn't for quite a while after I came down here.
Q When the enrollment division of the Dawes Commission was in Tahlequah, in the winter of 1900, did you not there meet F. M. Dawson and did you not then and there say to him "I told Shoemake I would be for him if he would employ me in his case and if he didn't I would be against him, and the same to you?" A No, sir; I said to him this; I says that if there is not something done that I will likely be summoned against you and Mr. Shoemake both.
Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it. I was going out of town just as he came in.
Q When you told him if something was not done you would be summoned as a witness against him; what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.
Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?
A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your client to you in one instance, but if a little more money was put up you could not be required to make a statement; is that what you mean? A I didn't think I could be forced to make a statement at all in the matter.
Q Why did you make that expression to him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I meant if I was employed in the case.
Q If he would put up you would not testify? A That they could not force me to testify.
Q About the month of February, 1901, in the town of Wagoner, Indian Territory, did you not send your son to get Graham to come to the hotel at night, and did you not then and there say to Gid Graham; "you people are on the doubtful list and if you will give me $500. I will make it all right and see that you are enrolled and if you don't I will see that you don't get on"? A No, sir; I got a letter from Gid Graham in which he asked me to certify that the case was all right and after I met him I told him that I could not do it, that the case was crooked. He then said to me, he says, "I will give you a hundred dollars", he says "will you take a hundred dollars," I said "no, sir." I didn't make any bid, that is I dddn't set any price with him.
Q You did not say to him then what I have embraced in that question there? A No, sir.
Q You did have a conversation with him about that time and at that place, did you not? A Yes, sir.
Q You say you didn't make any bid or set any price? A No, sir; I offered to take about a dollars.
Q Why did you send for him to come to the hotel? A In answer to this I say,

A Did you not on yesterday morning on the street in Muskogee, Indian Territory, in a conversation with W. H. Shoemake say to him; "You have made a great mistake in not keeping in your employment and so have the Dawsons and it will go hard with you and you will see it"? No, sir; I says to Mr. Shoemake, I says: "Who have you employed in your case," and he says "Judge Thomas and Mr. Owen." I said "It might have been a advantage to you if you had retained me in your matter;" Well, he says "there was nothing wrong in my case" and I says "no, there is nothing wrong on earth in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I says "there is not a thing on earth wrong in your case as I know it came up fairly and squarely and decided in your favor."

Q You said nothing to him about the Dawson case? A Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am summoned on the part of the Nation and I don't want to make a statement and I wont if I can possible avoid it."

Q Was that before or after you talked with Mr. Hastings, the representative of the Nation? A It was afterwards.

Q You meant by that if you had refused to answer you could have gone to jail? A No, sir; if they had employed me before I said I mean't not now.

Q You mean that if they had employed you before hand you would not have given this information to Mr. Hastings? A I would not be required, being the attorney.

Q Were you required to give him the information; did you know that you had to give him any information? A Who do you mean.

Q Mr. Hastings. A I did refuse him and he insisted.

Q Well, he no authority to compel you to do it? A No, sir; I don't know whether he did or not.

Q As a lawyer you knew that he did not have authority to compel you to make a statement to him? A I told him that I was an attorney in the case and I didn't want to make any statement at all.

Q Why did you do it? A Well, he intimated to me it would go no further. He said to me "I will not make this matter — I will not use it;" that is, what I stated to him was part in confidence.

Q And he pledged you his word that it would not be used? A Well, told him I could make a statement in confidence, and that I didn't want to make a statement before the Court.

Q Well, what did he reply, as you said just now? A Oh, he says "to the statement and then I told him—I regretted very much to do it, and I regret very much to make a statement here. I tried to avoid it yesterday.

Q You stated just now that he said it would not be used; did he say that or not? A Well, something to that amount; oh, he says it won't make any difference or something to that effect.

Q Now, don't you know that Mr. Hastings did not intimate to you that the statement he was asking you to make would not be used? A Well, I didn't think that I could be forced to make a qualified statement before the Court here, because I thought my license would protect me in that matter.

Q Yet it did not protect you or prevent you from making a statement to the attorneys for the Nation? A No, sir.

Q Now, in this conversation with Shoemake to which I have referred did you not say to Shoemake you ask him if he thinks you could make it all right for him? A No, sir; I didn't say that; no, I said if I could employ me in the matter "maybe it would be much better for you." Now, he offered to them I was worth here last week, he offered me five dollars to go down and talk with the lawyers on the matter, I didn't go I was busy.

Q That was not your price? A No, no, I had nothing to say in his case that would be to his advantage; I knew nothing against him.
Q Now, then, you say that your were present on the morning that the judgment was rendered in favor of the Dawsons? A I was not in the Court house.
Q You were present in Tahlequah? A Yes, sir.
Q How long had you been at Tahlequah? A I was living there at that time.
Q When were you first employed by them? A By Dawsons?
Q Yes, sir. A The evening before the case was tried.
Q You say that after he judgment was rendered Dawson handed you $20? A Yes, sir.
Q And told you to hand to Duncan? A No, sir.
Q What was your statement? A That he paid me $20 and says "I will send you some more in a short time, week or so.
Q And then he sent you $100? A Yes, sir.
Q And wrote you to give D. W. C. Duncan $50 of it? A Yes, sir.
Q And then sent you another $100 and told you to give him half of it? A Yes, sir.
Q How much did they pay you? A Well, that was the agreement, was that he would pay me $50 a family.
Q How much did he pay you? A I think there was $250; now I am not sure about the $50, but it appears to me like there was a $50 sent, and Mr. Duncan asked me, as well as I remember, says "have you got a letter from Dawson," I told him "yes, sir." It was either that or the $100, and he says "I would like to have some money", and I went to Stapler's and got it changed-- I won't be sure about it being $50 or $100--I went to Stapler's and got him to cash the check and give him his part of it.
Q How much did they pay you for your services? A That is all I got.
Q How much? A I think it was $100, $120.
Q What did you do for them? A Didn't do a thing only called up the case and submitted it; never read the evidence.
Q Submitted it without remarks? A Yes, sir.
Q And for that you and they paid you $120? A Yes, sir; $120.
Q Was Houston Benge present when that was done? A No, sir; I don't think he was.
Q Did you see him then at that time in Tahlequah? A I don't remember.
Q Were you associated with him in any manner in connection with the case? A No, sir.
Q You had a great deal of business of that character, have you before the Courts? A Yes, sir.
Q Were you paid like fees in other cases for like services? A Yes, sir.
Q In many of them? A Yes, sir, good many.
Q All like cases? A Oh, citizenship cases.
Q When was it you were in jail at Fort Smith? A I don't remember; Mr. Pollette can remember, I was there, he was my attorney.
Q Was it about 1893? A It was somewhere along there, along in 1890 somewhere.
Q That has been your method of doing business, has it not? A Yes, sir.
Q You have never practiced much in any other way, have you? A No.
Q Now you I will ask of you in your case there in the Court of Claims when you state you worked it through? A No, sir.

Q This was an exception was it? A I never worked this case through. I simply called the case up by request of Mr. Dawson. I read the evidence; don't know what proof there was in it; he just asked me to call the case up.
Q And he agreed to pay you $50 a family for doing that? A Yes, sir.
Q Was that what you required of him? A That is what he agreed to pay. I says "What will you give?" He says "I will give you $50 a family.

MR. HUTCHINGS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoemake case didn't he? A Yes, sir.
Q And you told him at that time before you knew anything about whether you would be made or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemake case? A Yes, sir; that is what I said.
Q You told him at the same time that you not only expected to claim you privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKennon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strenthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.
Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.
Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.
Q And let the Court decide? A Yes, sir.

MR. McKENNON:

Q Now, have you a license to practice in the United States Courts? A Yes, sir.
Q In the Territory? A Yes, sir.
Q And also in the Indian Courts? A Yes, sir: do you want to see them?

JAMES W. LEWIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name please? A J. W. Lewis.
James W. Lewis? A Yes, sir.
Q Where is your postoffice, Mr. Lewis? A Afton.
Q How old are you? A 73 years old.
Q What is your business ? A I work at the tin business and gun work.
Q Do you know one James Dawson, the brother of F. B. Dawson and the other Dawsons? A I know old man James Dawson.
Q That is the one I mean, old man James Dawson? A Yes, sir; I know him.
Q How long have you known him? A Well, some four or five years, I guess.
Q How long? A Four or five years I think.

Q When did you come to the country? A I have been in the country 70 odd years.
Q Well, when was you come to this country, do you know? A Along about somewheres in eighty if I recollect right, might have been later than that.
Q How did you happen to get acquainted with? A He lived right close by me and I built a house for him.
Q Did you have any conversation with him at the time you built that house? A Yes, several different times.
Q About how he became a citizen of the Cherokee Nation, about the circumstances? A Yes, sir.
Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?
A Well, he told me that it cost him $700 to get his rights.
Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

LR. McKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewheres near about 70 years old, he might have been older than that, I don't know.
Q He was a very old and feeble man? A Yes, he was old and feeble.
Q He seldom ever got out away from his house? A No, sir, only short distance.
Q When you first knew him he was that kind of man? A Yes, sir.

J. L. CLINKENBEARD, being duly sworn, testified as follows on part of the Cherokee Nation:

LR. HUTCHINGS:

Q State your name? A J. L. Clinkenbeard.
Q What is your post office address? A Vinita.
Q How old are you? A 56.
Q Were you ever an applicant for citizenship before the Tahlequah Citizenship Court in Tahlequah? A Yes, sir.
Q About what time was that? A September '81, I think.
Q Did you meet there about that time, one Elbert or Buck Dawson?
A Yes, sir.
Q How did you happen to meet him? A He and I stopped at the same place, ran'n by the name of Sherrow.
Q You and he stopped there, did you, board there? A Yes, sir.
Q Well, did you have any talk about citizenship cases, yours and his? A
A Yes, sir.
Q Where did he state that he was from? A Texas.
Q Well, state what you can remember of the conversation between you from time to time about citizenship in the Cherokee Nation?
A Well, we were there on the same business and we talked about it at different times, and in talking about the evidence we had there I, of course, told him how many witness I had and what I could prove and so on, and he said that he didn't have but one witness, Mr. Baker from Arkansas, a man that was 85 or 90 years old, he said, and he hadn't come and said he was to have met him there, but he hadn't come.
Q Well, what did he say about the doctor's taking anything?
A Well, he said he was 85 or 90 years old and didn't now straight up.
Q Well, did he say anything about giving him whisky?
A Well, he said he could give him four drinks of Arkansas whiskey and would swear that black man white.

Q Did he say anything about what money would do in Texas or Indian Territory? A Well, in talking about the evidence, he said that [illegible] he just rode over there go down in Texas and he said "I come to get the say-so the land" and he says "I found out it good here," or words to that effect.
Q Did he say what he was to spend on the question? A Well, he said that he could stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.
Q What did he tell you what he thought about the necessity of witnesses anyhow? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.
Q Well, where did he go from there? A He and I left there together; he came to Muskogee by way of Fort Gibson and there we parted.
Q Did you ever see him after that? A I saw him about two years or something like that afterwards.
Q Where? A Vinita.
Q Did you refer to the citizenship matter? A I asked him how he come out and he said all right.
Q Was he deformed in any way this man? A He had a crippled hand or stiff finger; I don't remember just what it was now.

MR. McKENNON:

Q Your first conversation with him was in '01 was it? A Yes, sir.
Q What time in '01? A September.
Q You were then an applicant for citizenship? A Yes, sir.
Q Were you admitted? A No, sir.
Q You are still an applicant? A No, sir.
Q You are still working to get in as a citizen of the Cherokee Nation? A No, sir; haven't quit it entirely.
Q What business are you in now? A I am running a dairy in Vinita.
Q When did you make representations now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.
Q How did they ever know that you had had these conversations with Mr. Dawson? A I don't know.
Q You don't know how they found that out? A No, sir.
Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.
Q Now, did you approach him or did he approach you? A He approached me.
Q You know why? A No, sir; I suppose somebody I have told something at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have saw Mr. Hastings for years.
Q Now, you say—how was that expression about his giving Dr. Baker three or four drinks of liquor? A He said the old man; he said that Dr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he did or not; he said he was 85 or 90 years old; he said he didn't know straight up; said he could give him three or four drinks of Arkansas whiskey and he would not know black or white.
Q Now, he said that did he? A Yes, sir.
Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.
Q You say you next saw Dawson at Vinita? A Yes, sir.
Q How long afterwards was that? A About two years, I think something near that.
Q Did he move to the Territory? A Yes, sir, he lived at Vinita at one time.

Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I sent the others to the country.
Q Do you run a dairy wagon there? A No, sir.
Q You serve on the jury a good deal? A I have been serving on the Petit jury there this winter.
Q Generally? No, sir.
Q Are you a kind of a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel and served.

C. G. BRAUGHT, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A C. G. Braught.
Q What is your age? A 62 28th day of last January.
Q What is your post office? A Fairland.
Q How long have you been living in the neighborhood of Fairland?
A Been living there 19 years.
Q Do you know one Bud Dawson or F. M. Dawson as his name is?
A I do.
Q How long have you known him? A About 13 years.
Q How close to you live from him? A Half a mile of him.
Q Does he still own that place? A I think he does.
Q Were you an applicant for citizenship along about '81 or '2 at Tahlequah? A Yes, sir.
Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.
Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the time that you had these conversations as near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to put up; he said it cost him $700 to get in; he said he paid one witness three hundred dollars.
Q Did he state the name of that witness? A No, he did not.
Q Who did he say he made arrangements with? A He said he made arrangements with the Court; that is, heads of families to get them in at one hundred dollars apiece.
Q Do you know what time of the year tht was, whether it was in the summer or not? A I think it was in June.
Q Did he make any other statements to you at any other time?
A No, sir, I don't think he has in regards to that matter.
Q You have been living neighbors with him? A Yes, sir.
MR. McKENNON:
Q You say this was about June of '83? A I think it was in June, 1883, I won't be positive whether it was June or not.
Q You were an applicant; were you admitted? A No, sir.
Q Have you been admitted? A No, sir.
Q You are still an applicant? A Yes, sir.
Q Still trying to get in? A Yes, sir.
Q Where was this conversation had? A Had at Bud Dawson's house.
Q What part of the premises? that is, in his residence?
A Yes, sir.
Q In the house? A Yes, sir.
Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.
Q How many rooms was there more than one room? A I won't be positive but I don't think there was but one room, log house.
Q Just one room? A Yes, sir.

Q And in that room he made this statement to you? A Yes, sir.
Q He and you are enemies are you not? A No, I don't think we are enemies.
Q You are not friendly at all? A Friendly part of the time, and part of the time we din't.
Q Haven't you had considerable trouble about he lands between your farms? A No, sir; we ain't had any trouble.
Q Didn't you have his little boy arrested recently for a difficulty?
A Yes, sir.
Q And you say that you are not on bad terms with him?
A Why we speak, have conversation, have right right along all the time.
Q Is it not a fact now that you and he have been all the while at outs? A No, sir.
Q You don't have any unkind feeling towards him? A No, sir.
Q What were your other remarks? A I said no, sir, I didn't have any unkind feeling towards him.

(It being 5 o'clock, the Commission adjourns until 8:30 o'clock to-morrow morning.)

March 19, 1902.
Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of Counsel for Applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. C. BRAUGH, re-called, further testified:

MR. McKENNON:

Q Mr. Braught, you were a claimant under the Watts family are you not? A Yes, sir.
(witness excused.)

CHARLES D. KENNEY, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Charles D. Kenney.
Q What is your post office? A Dawson now.
Q Are you a citizen of the Cherokee Nation? A Yes, sir: supposed to be.
Q Recognized as such are you? A Yes, sir.
Q How old are you? A There is no family record, my parents died when I was young, I just guess at my age, I am somewheres between 44 and 45 years old.
Q Were you personally acquainted with one Elbert or Buck Dawson?
A I knew Buck Dawson when I saw him.
Q Did you know him in the state of Texas, if so state what time?
A I knew Buck Dawson, knew him and saw him at different dates in Texas.
Q Well, in the year '01 in Clay County, Texas, did you ever see him?
A It was in '01 or '02, I think I know him in both years.
Q Did you ever have any conversation with him in the presence of Bill Smith, Giles Pilgrim and Joe Pleasten about his application for citizenship in the Cherokee Nation? A Mr. Dawson and Pilgrim were talking in regard to grass down there before it one time and

it was mentioned, I was going up on the strip and Buck Dawson says "he an Indian" and Jiles said "yes, he is an Indian", and "By God," I believe is the way he spoke, "if I was an Indian I would not be punching cattle, I would have stock eating my grass."
Q What did he say about making application? A He said he was going to the Chickasaw Nation and drove up and got him some grass.
Q Who was that? A Buck Dawson.
Q Well, did anybody suggest about his going to the Cherokee Nation? A Yes, sir, I told him, I says "why don't you go to the Cherokee Nation, why don't you go up home" I believe is the way I spoke it, "up amongst God's people;" and he says "are they all white like you?" and Jiles spoke up and says "majority of them."
Q Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow punchers, and Mr. Flippin says "Hell, I am going; brother John is getting ready to go now."
Q Well, then what did he say to you? A He says "Who are your best lawyers up there, Kenney," and I told him "Hooley Bell was counted the brainiest man in our country."
Q Well, do you know whether he claimed to have any Indian blood or what he was claiming in that country, whether white man or Indian? A No, sir, I could not say what he was; he was generally known down there as Buck Dawson, a citizen of the State of Texas, that is all I know of him.

Mr. McKennon: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKennon:
Q Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Rusk County, Texas. B. F. Alberty was my guardian.
Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date.
Q About what time? A It was sometime in '80 though.
Q What tribunal first? A I don't know; I don't know either when I was admitted, I was re-instated at Council.
Q When? A I think it was in '87 or '88.
Q Haven't you been arrested for crime and charged with crime? A Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande.
Q For what offense? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road.
MR. HASTINGS, of Counsel for Cherokee Nation:
Q Were you ever convicted? A No, sir.

Mr. McKennon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. BABBART, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name, please? A Thomas B. Babbart.
Q What is your post office? A Melvin.
Q What is your age? A 49.
Q Are you a Cherokee by blood? A Yes, sir.

Q Did you know one James Dawson? A Well, yes; I did; I have seen him time or two.
Q Were you in Tahlequah about the time he had an application before the Spears or Snake Fuzzy Citizenship Court? A Yes, sir; I was there about the time the case was settled.
Q Did you know Aaron Butler? A Yes, sir.
Q Who was he? A He was a Cherokee Interpreter for the Court.
Q Do you know James Smith? A Yes, sir.
Q Who was he? A He was the Nation's attorney before the Court.
Q Well, did you about that time have a conversation with either Aaron Butler of Jim Smith in company with Mr. James Dawson? A Yes.
Q State the full particulars of it? A About that time this man Dawson and Butler come to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.
Q Well, did he say anything about whether he could get his case submitted if he had more money? A Well, from the language to me and Butler, he wanted this money; Smith had agreed to submit the case without further evidence in the matter.
Q Well, did you let him have the ten dollars? A Yes, sir.
Q Where did they go then? A They walked off up towards town.
Q Did they go together, these three? A Yes, sir.

MR. McKENNON:

Q Was that James Dawson, the leading applicant in that case?
A Yes, best of my recollection that was.
Q How old a man was he? A I don't know; I could not tell you; he looked, I don't know, he might have been—could not tell you just about how old he was.
Q Well, about how old was he, 25, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.
Q Is he living or dead? A I don't know.
Q Where have you been living? A I have been living down here near Tahlequah.
Q What was the man's name, Dawson's name? A Jim Dawson I think.
Q You are certain of that? A Yes, sir; I am pretty certain.
Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.
Q Dawson took you off to one side? A Butler took me to where Dawson was and introduced me to Dawson and vouched for Dawson being all right for the money.
Q When did you first make a statement of this matter to anybody?
A I guess—I don't remember when.
Q How long have you been in Muskogee this time?
A I have been here since, I was summoned here last Friday.
Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.
Q When? A Oh, about, first I remember it was been about two years ago, and Butler was talking to me about it; it was at my house.
Q Were you born a citizen? A Yes, sir.
Q You weren't admitted to citizenship by the Courts or Council?
A No, sir.
Q You have been living in the Cherokee Nation all your life?
A Well, I was born and raised here; ; I haven't been here all the time; I have been out and in.

Q You have never seen that man Dawson since? A If I have I have never known it, but I seen him the next day.
Q You saw him and took a good look at him, and know about what kind of man he was? I saw him around there about several times.
Q You think he was about 35 or 40 years old? A That would be my guess at it, my recollection.

Mr. McKennon: Applicants object to the testimony of this witness, all of it, because it is wholly incompetent and irrelevant.

DELIA A. BREWER, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your full name? A My husband's name was O. P. Brewer, but generally I sign my name Mrs. D. A. Brewer.
Q What was your full maiden name? A Delia A. Vann; well it was really Delilah but I never was called by that name, it was De altogether in my young days.
Q What was your father's name? A His name was Joseph Vann.
Q Was he called by any nicknames and if so how many, and what? A None but the Cherokees, the full-bloods called him Joe Aney.
Q What does that name mean when you talk English? A Rich Joe.
Q Did any of them call him Big Joe Vann? A I don't know: he was a large man; larger than the other Joe Vann.
Q There was another Joe Vann? A Yes, sir.
Q Did your father have any sisters and brothers? A He had quite a number of sisters.
Q Did he have a half sister? A Had two half brothers.
Q Did he have a half sister? A Had several half sisters.
Q Who did they marry? A Different persons; I knew the names of all of them but I have a bad memory, but I know that there was one, a Mrs. Ibbie Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.
Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.
Q Never had any Rogers kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.
Q The Dawson case was talked of here for many years, they claiming kin?
A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that my family was prominent enough that they never claimed kin.
Q They never claimed kin at all? A No, sir.
Q Did your father ever had a sister or half sister by the name of Annie, Anna or Aney? A No, sir.

Mr. McKennon: Applicants object to all the testimony of this witness because it is incompetent and irrelevant.

SAMUEL TOLLIVER DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Samuel Tolliver Dawson.

Q What relationare you to the Dawsons? A Well, I am not acquainted with none of these Dawsons, I guess I am cousin, that is what he told me.
Q Who was your father? A Samuel Riley Dawson.
Q What did you say your father's name was? A Mile Dawson.
Q Do you know what his full name was? A Samuel Riley Dawson.
Q What children had your father? A Why, he has got, you mean his first children or his whole family?
Q I want all of his children? A I don't know, I will have to count a while on them, there was nine or ten of them.
Q Just one or two of them I care for; is Mrs. Lewis your sister?
A Yes, sir.
Q Your full sister? A Yes, sir.
Q Was she a daughter of S. R. Dawson, Jr.? A Yes, sir.
Q Now who were the parents of your father, , Samuel Dawson?
A Why Sam Dawson was his father.
Q Sam Dawson was his father? A Yes, sir.
Q What was Sam Dawson's wife, if you know their family history, what your father said or what your grandfather said? A I have heard that she was a Pruitt, my father said; of course I don't know.
Q What was her given name? A Annie.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q Saw him? A Yes, sir.
Q Do you know about how old he was when he died? A He was somewhere up about 90.
Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.
Q Was your father his youngest child? A Yes, sir.
Q D you know about when your father was born? A Well, no, I don't, he died in '90 and he was 67 years old.
Q He died in about '90 and was about 67 years old when he died?
A Yes, sir.
Q And he was the youngest child? A Yes, sir.
Q Now, do you know how many children your grandfather had , that is brothers and sisters of your father? A I heard him say seven.
Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?
A Well, I heard my father speak about it, I don't know that I ever heard my grandmother say anything about it.
Q Well, what did he say about it? A I have heard him say his mother was not an Indian.
Q Did you fathercome here and apply nce for citizenship?
A Yes, sir.
Q Was he admitted? A I think not.
Q Did you hear him make any statements about he ground he expected to get in? A He said his brothers had proved their rights here and if his brothers had any rights he did, but I don't know.
Q Well, in that connection didhe say whether his mother was an Indian or white woman? A Never heard him say that his mother was a white woman in speaking about that, I don't know whether he said anything about that or not; I have heard him say his mother wasn't no Indian.

Mr. McKennon: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

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(Taking of testimony continued by Stenographer M. D. Green)

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

———oooOOOooo———

(Continued from testimony taken by Steno. J. O. Rosson.)

March 19th, 1902, at Muskogee, I. T.

Appearances:
Mr. A. S. McKennon and Mr. Melsitto, attorneys for the applicants.
Mr. T. T. Hutchings, and Mr. W. W. Hastings, attorneys for the Cherokee Nation.

EMMA BRASHEARS, being first duly sworn, and being examined testified as follows:
BY MR. HUTCHINGS:

Q State your name? A Emma Brashears.
Q What was your maiden name? A Emma Dawson.
Q What was your father's name? A Samuel Riley Dawson.
Q What was his father's name? A Samuel.
Q What was your grandmother's name? So far as you know from family history? A Her maiden name was Annie Pruett.
Q Then your father, if I understand you, was the son of Samuel Dawson and Annie Dawson, nee Pruett? A Yes, sir.
Q Did your father have a brother named Robert, and a brother named James? A Yes, sir; that is what I was told.
Q And had a sister named Mrs. Petty? A Yes, sir.
Q And another one named Mrs. McGee? A Yes, sir.
Q And another brother named John? A Yes, sir.
Q What relation are you to Mrs. A. S. Lewis? A Sister.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q You have a distinct recollection of him? A I, yes, I can [illegible] him, but I was small.
Q About how old were you you suppose when your grandfather died?
A About 6.
Q Was your father's birth recorded in the family Bible? A Yes, sir.
Q You know whether your grandfather's record of marriages and deaths were recorded in any Bible or not? A I was, but we haven't it.
Q What became of it? A Got burned.
Q Well, about what year do you remember that your father, Samuel Dawson was born? A I believe it was '23.
Q In 1823? A Yes, sir.
Q And how old was he when he died, if you recollect? A He was between 64 and '7.
Q Did you ever hear your father speak of his relations, his father and mother, as to whether they were white people or Indians?
A Yes, sir, they were white people.

Q. You know whether in the family you grandfather was spoken of by the name of Annie, always? A Yes, sir.

BY MR. McKENNON: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

ALEX S. LEWIS, being first duly sworn and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A Alex S. Lewis.
Q What is your post-office? A Dawson, Indian Territory.
Q How old are? A 59 years.
Q What was your wife's maiden name? A Elizabeth Parales Dawson.
Q Who was your wife's father and mother? A Her father was Samuel R. Dawson and her mother was the wife of Samuel R. Dawson, did you want her maiden name?
Q Well, if you know the maiden name of your wife's mother, state how you know it? A Well she was called Margarett, Margarett Queen was her maiden name.
Q The maiden name now of your wife's father's mother? A Why the maiden name of my wife's father's mother?
Q Yes, sir? A From what her husband and my father-in-law told me it was Annie Pruett.
Q What is the name of your wife's father's father? A My wife's grandfather on her father's side, Samuel Dawson.
Q And his wife's maiden name was Annie Pruett? A Yes, sir.
Q Did you know the old gentleman, Samuel Dawson, your wife's grandfather? A Yes, sir.
Q Personally? A Yes, sir.
Q What opportunities had you to get acquainted with him? A He lived with his youngest son, my father-in-law, and visited us, my wife and I, after we were married, at first with us quite a while; I lived near my father-in-law and so visited very often.
Q When did he die? A '74.
Q Have you any particular method of recalling that date? A Well, I was away from the house when he was taken sick, and they sent for my wife and myself, and so when I got home my wife had gone to her father's to see her grandfather, he was sick, and I remember my first wife was a baby at that time.
Q And when was your first child born? A He was born December, '73.
Q You know how old your wife's father was when he died? A Why he was up in 60, but I don't remember his age.
Q Did the old original Samuel Dawson ever tell you his age? A Yes, sir, several times.
Q How old was he at the time of his death? A He was past 94.
Q Did he ever tell you whether or not his wife Annie Pruett had any sister or brother? A Told me she only had one brother named Bob Pruett.
Q Have any of the members of the family named their children after it? A Make it a little plain, it is a little long; my wife's eldest brother was a particular favorite of his grandfather, and he always took this boy with him everywhere, and he named one of his,- oldest child for this brother-in-law who was a particular favorite of his grandfather; now as it for him I understood.
Q Oh, what is his name? A Of course I don't know why he named it, but he gave him the name of Robert Pruett, and I understand it was on account of his grandfather thinking so much of Robert Pruett.
Q Did you ever hear the old Samuel Dawson speak of his brother-in-law? A Yes, sir; I have heard him say that he thought he had married into a family of Pruetts, he never had heard of him for a long

time; didn't know where he was, or whether he was alive or not.
Q Now, I want the children of Samuel Dawson and Annie Pruett, how many of them did you know, first? A How many did I know personally?
Q Yes, sir? A John James, and Samuel R. Those were the only ones of his children that I remember personally.
Q Well, remember what you know of the family, what other children did he have? A Well he had two girls, as I understand the family history, he had two girls, first, and John Dawson was the third child, and the oldest boy was John Dawson.
Q Was John Dawson the oldest boy? A Yes, sir.
Q Which was the oldest girl? What is she known by now? A I think it was Mrs. Petty, nee Bettie Dawson.
Q And John Dawson was the oldest boy? A Yes, sir.
Q And Samuel R. Dawson was the youngest boy? A Yes, sir.
Q You know anything about the time John Dawson was born, have you any way of coming at it, the oldest boy? A Yes, sir, I know what the oldest son and his wife told me.
Q What was that? A They said he was born in 1811.
Q Who was his oldest son? A Toliver H. Dawson; told me his father was born in 1811.
Q Do you remember now whether the old man had occasion to say whether his wife, Annie Pruett was an Indian or white woman, or ever said anything about it? A I know that the old man said that she was, I don't know that I ever heard the question approached in that way, I have heard him speak as to her blood, but it was in a different way that he reached it.
Q What blood did he say she was? A Well he said that she was the daughter of Mrs. Pruett, a white woman; and that her father was Captain John Rogers, a white man who lived with the Cherokee Indians, and traded with them.
Q Did he say who Captain John Rogers afterwards married? A Said he had a wife in the Cherokee Nation.
Q But that Annie Pruett was not her child? A No, sir, she was the child of Mrs. Pruett.
Q A white woman? A Yes, sir, that was the half sister of Bob Pruett.

BY MR. McKENNON:

Applicants object to all of the testimony of this witness, because it is wholly incompetent and irrelevant.

Q Did ever you apply for citizenship here? A Yes, sir; for my wife.
Q When? A My father-in-law made the application, I don't know exactly when it was, I think probably about '86, I couldn't say as to the date.
Q Before the Cherokee authorities? A Yes, sir.
Q Did he file an application before the Dawes Commission in 1896 also? A Him.
Q Yes, sir? A I don't think he did, no sir.
Q Did you? A I did.
Q On account of your wife? A Yes, sir.
Q Did you make affidavit to that application? A No, sir.
Q Who did? A I don't know, don't remember now.
Q You applied for your wife as an Indian by blood did you not? A Yes, sir.
Q Are you still an applicant? A No, sir.
Q Is she? A No, sir.
Q She was denied was she? A Yes, sir.
Q Was there an appeal taken from that? A Application was filed if I remember, before the Dawes Commission, and they rejected the case, and then I appealed it to the District Court, and it was rejected there and then I stopped.

Q Have you ever been arrested for any crime? A Yes, sir.
Q What? A Charge of murder.
Q Anything else? A No, sir.
Q Committed on the train? A Yes, sir.
Q In a train robbery? A Yes, sir, in a train robbery.
Q How long did you remain in jail? A Appealed the case to the Supreme Court, and it was reversed and sent back, and I was acquitted on that charge.
Q That all the crime you were ever charged with? A Yes, sir.
Q Haven't you been having some trouble with the Dawson family? A Well me personally I have no trouble with any of them, there is one of my boys and one of W. A. Dawson's sons-in-law had some trouble.
Q You are not friendly with the Dawson family? A That son-in-law Mr. Wooley, and myself, don't speak, and I don't think his wife speaks to me either.
Q Well you are claiming some sort of lease on the Wooley farm, aren't you? A No, sir, I don't claim any lease on the Wooley farm.

B. W. ALBERTY, being first duly sworn, and being examined, testified as follows:
BY MR. HUTCHINGS:
Q State your name? A B. W. Alberty.
Q What is your post-office? A Tahlequah.
Q What is your present official position in the Cherokee Nation? A Assistant Executive Secretary of the Cherokee Nation.
Q As such have you charge of the citizenship records and books etc. of the Nation? A Yes, sir.
Q Have you made search recently for the original records in the various cases of the Dawson family before citizenship courts in Council? A Yes, sir.
Q Have you got what records you found with you? A I find what's supposed to be the original papers in the case, all that I could find. (Produces papers and hands to Nation's attorney.)
Q Where did you find these papers? A I found them in the desk in which papers of that character are filed away in the Executive Office at Tahlequah. (Applicant's attorneys examine papers produced by witness.)
BY MR. HUTCHINGS: The Nation here introduces in evidence an envelope marked No. 108, the names on the back of it are Robert, Elbert, Jasper, John, Frances, Marion, Josephine, Joseph, Jane, Mollie, Wilburn, James, Rial Dawson, versus the Cherokee Nation; the envelope and its contents.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced by the Cherokee Nation is indorsed as follows:
"No.108, Rob. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilburn Dawson, James Dawson, Real Dawson, vs Cherokee Nation, Petition for Citizenship, filed Sept. 24, 1881. Admitted Jan 11th, 1883, D. W. C. Duncan, Clerk."
In pencil: "Robt Dawson."

The said envelope contains a document as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19th, 1892.

No. 108 Robert Dawson, "et al."
vs.
Cherokee Nation.

Testimony for Claimants.

Witness:

Dr. Baker sworn testified as follows. My name is Arthur Baker I reside at Berrivill, Arkansas, Carroll County, my age is 73 years, I am not a Cherokee, I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County more thirty five years (-line drawn through the last three words.) 35 years at My mother's house near Calhoun I became acquainted with the claimants Robt Dawsons grandmother on mother's side, she was frequently at My mother's house; though she Anna Pruit lived in the Nation side. She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee; the first time she brought the clairant's mother to My mother's house she the clairant's mother was about grown, when I was a little boy she called her daughter Polly Rogers said Capt. John Rogers who ran a boat up the river was the father of the child; I saw the girl frequently there at My mother's and there at Louis Rosses Store I saw her occasionally until I was 15 or 16 years old and I think then Old Capt John Rogers took her off to school. I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of Old Samuel Dawson. I stayed all night there and she and I had a talk over our old matters, and I asked her when she became acquainted with Dawson and she said at the time she was going to school. And she said after she left school that Dawson followed her home to the Nation and they were there married. I have told that precisely in the words she used.

Capt John Rogers claimed to be one fourth Cherokee, the claimant is the son of Polly Rogers and I know Polly Rogers to be the daughter of Anna Pruet, and I know the claimant to be the son of Polly Dawson Capt Rogers then resided in the Cherokee Country about twelve miles from Calhoun on the Hiawassa River.

Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawsons when I got acquainted wih them Arkansas were recognized where they were as Cherokees, Robt Dawsons children is Buck, John, Marion, and two girls; the children named in the petition I recognize as being the claimants.

Question by Solicitor:

Ques. 1 How many children did Polly Rogers have?
Ans. 1 Five, I think that's all.
Ques. 2 Did you any something about someone being married twice?
Ans. 2 The claimant was married twice.
Ques. 3 Could Anna Pruet speak Cherokee?
Ans. 3 Yes she could speak it well
Ques. 4 Did Polly Rogers speak Cherokee?
Ans. 4 She could when she was young.
Ques. 5 How far do you live from Anna Pruet?
Ans. 5 Just across the river about 3/4 of a mile.
Ques. 6 Was Calhoun in the Cherokee Nation?
Ans.6 It was on both sides of the river, part in the Nation and part out in the State.

Ques. 7 Which Harnage was it went to Texas?
Ans. 7 George went first then John went they were the sons of old man Harnage that lived up here near the line.
Ques. 8 Did the claimant go to Texas?
Ans.8 No the clairant didn't go to Texas.
Ques. 9 What connection was claimant and Polly Rogers?
Ans. 9 The claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.
Ques. 10 Where does claimant now live?
Ans. 10 He lives in Carroll County, Arkansas.
Ques. 11 Do you know what relation old Captain John Rogers was to Charlotte Rogers here in Coowescoowee?
Ans. 11 They claimed kin but what kin I dont know there were two Capt. John Rogers' in the Nation I am speaking of the time when I first came to this 1830 Country about the year 1830.
Ques. 12 Was Anna Pruet the maiden name of Claimant's grandmother
Ans. 12 Yes that was her maiden name the Indians called her Sinee.

his
(signed) Arthur. A. x Baker.
mark

Witness' hand paralyzed is the reason he signs by a mark thus "x". "

The above document is indorsed on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case, Robt," Decided by the Tehee Court in 1883. A. Riley Dawsons Step daughter a white woman married a white man, named August Bulaska."

BY MR. HUTCHINGS: We further introduce envelope N. 181, of E. Dawson for his grand-children, versus the Cherokee Nation, and its contents, to-wit: The Petition and affidavit of F. M. Dawson, and the testimony of Joseph Dawson.
(Hands papers referred to to applicant's attorneys.)

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced is endorsed as follows:
"No.181. E. Dawson vs the Cherokee Nation. For his grand children. Petition for citizenship. Filed Sept. 14th, 1883, D. W. C. Duncan, Clerk of Com. Decided Sept.13, to be Cherokees.

The contents of said envelope are as follows:

"Office of Commission on Citizenship.
Tahlequah, Cherokee Nation, Sept. 14, 1883.
E. Dawson,
No.181. vs for his grand children,-
Lula Dauthett,
Dallas Dauthett,
F. M. Dawson for Claimant introduced sworn and in open Court testified as follows:
My name is F. M. Dawson. Am Cherokee by blood reside in the Cherokee Nation am 30 (40 written over it) years old.

I saw the Claimants, Lulu Dauthet and Dallas Dauthet in Vinita, and knew them to be the grandchildren of my brother E. Dawson who is a recognized Cherokee by blood. L. M. Dauthet, the father of the Claimants, Lulu and Dallas is a white man Dauthet's wife the mother of Lulu and Dallas was a Cherokee, the daughter of my brother E. Dawson, she is now dead. The oldest of these applicants is about 9 years old. I have known them about 8 years. These children is now living with their father. One is a girl and the other is a boy. I had been acquainted with her mother all her life. If she had been now living she would have been about 26 years old -- She has been dead about 4 years as well as I can recollect, She was about 17 ye rs old when she was married.

his
(signed) F. M. x Dawson,
Mark

Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, Sept. 14, 1903.
No.181 E. Dawson
for his grand children
Lulu Dauthett
Dallas Dauthett

Joseph Dawson introduced for Clairants, sworn in open Court testified as follows:

Joe. Dawson, am a Cherokee live in the Cherokee Nation, am 31 years old.

Lulu Dauthett and Dallas Dauthett, the Claimants are Cherokees. Fannie Dawson was their mother. Fannie Dawson was a Cherokee, that is what I was always told. Her father was E. Dawson. E. Dawson was my brother. Mrs. Dauthett is not living now: the last time I saw Lula, and Dallas Dauthett, they were in Texas. But I have heard since that they are in the Cherokee Nation. E. Dawson recognizes them as his grandchildren and I have known them ever since they were born.

By Solicitor:

Lula is about 10 years old. The Dallas is about 5 or 6 years old. I heard that their father is now at Vinita Cherokee Nation, E. Dawson is Elbert Dawson. The applicants' mother has been dead about three or four years. She died at Hillsboro, Texas.

I was not present when their mother and E. Dawson had eight children to the best of my recollection, or 9. Fannie, Francis, Cartenas, Annie, Bob, Smith, Worsh, Bert, Ella. All living but two, Fannie and Smith. They are all living in Texas when I left there. I am a brother to F. M. Dawson, we are full brothers. My father has been admitted to Cherokee Citizenship by this Court.

his
(signed) Joseph x Dawson,
mark

To the Commission on Citizenship,
Tahlequah, C. N. Sept. 12, 1903.
E. Dawson for grandchildren,
Lulu Dauthett,
Dallas Dauthett,
vs
Cherokee Nation.

Now comes E. Dawson petitioning for the Cherokee rights of his grandchildren, Julu Dauthett & Dallas Dauthett, by virtue of their Cherokee blood, which was derived from the

Dawson family, who is acknowledged Cherokees by admission of your Hon. Court, at its last session in January, 1893, in view of the facts ask your Hon for a spedie and favorable consideration of our calims.

(signed) M. Dawson for grand children,
By C. H. Taylor."

This last document is indorsed on back as follows: "No. 181, Petition of Lula, Dauthett & Dallas Douthitt, for Citizenship Filed Sept 14, 1883, D. W. C. Duncan, Clerk."

BY MR.HUTCHINGS: Now we desire to introduce the judgment in the case of S. R. Dawson, and others, of the Commission on Citizenship, found on page 80, of Record Book B, of the Citizenship cases in the Cherokee Nation, said book having been turned over to and now in the custody of the Commission; the judgment being dated April 26th, 1889.

BY MR. McKENNON: To the introduction of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

Record above introduced is as follows:

"Office of Commission on Citizenship,
Tahlequah, C. N. August 11th, 1887.

Docket No.	Names,	Age	Sex	Post Office,	Attorney
	1 S. R. Dawson,	66		Catoosa,	
	2 Parlee Dawson,	44	female		
307	3 America J. Dawson,	35	"		
	4 Katharine J. Dawson,	33	"		
	5 J. G. Dawson,	31	male		
	6 Elias F. Dawson,	29	"		Bell &
	7 Toliver Dawson,	27	"	Applicant for Cherokee Nation.	Bryant.
	8 Eva Dawson,	20	female		
	9 Fanny Dawson,	18	"		
	10 John Riley Dawson,	11	male	R.	
	11 Robert E. Dawson,	9	"		
	12 Claud Dawson,	7		Ancestor	
	12 Cleveland Dawson,	3		John Rogers	

--- filed August 11th, 1887."

In red ink written along Age column is the following: "Rejected April 26, 1889."

"Now this day comes the above case for final hearing. Samuel R. Dawson, bases his application for readmission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the alleged daughter of Captain John Rogers and Chilsey Pruitt, said to be a sister of Joseph Vann, commonly known as Rich and who was of Cherokee blood. It is admitted that John Rogers and Chilsey Pruitt died before the roll upon which their names would appear if living at the time and specified in the 7th section of the Act of December 1, 1886, creating the Commission on Citizenship, were made but in support of the application it is urged that certain members of the Dawson family and full brothers of the applicant were re-admitted to citizenship by the Commission on Citizenship commonly known as

"The Tehee Court", and the "Spears Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which determined the decision of those Commissions of the testimony now introduced to authorize the admission of the present applicant is not relivent to the issue now pending. The 7th section of the Act of December 8th, 1886, before named provides, that "The Commission shall give a hearing to any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States," As are hereafter enumerated. Neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon eitherof said rolls the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Journah Barber nee Journah Dawson and Jane Queen, nee Jane Dawson, and their families, as enumerated in their respecti e applic tions.

(signed) Fill P. Ross,
Chairman.
(signed) R. Bunch, Commissioner,
John E. Gunter, Com'nr.

This April 26th, 1889.
(signed) D. L. Williams,
Cl'k Com'n."

BY MR. HUTCHINGS: The Nation now introduces the envelope in the case of James K. P. Dawson, and the contents, being the original testimony in the case of E. Dawson; also the judgment in said case, found on page 116, in book C., containing the records of the Citizenship Commission of the Cherokee Nation, the date of said Judgment being April 26th, 1889; this book being also in the custody of this Commission.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope above introduced is indorsed on back as follows:

"Name, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - Years, - - Roll of 1835, Ancestor, Riley Dawson, filed the 5 day of Oct. 1887, Docket 98, Book C Page 116, Testimony on Journal - - Page - - - Decision of Com ission Rejected 26 day of April 1889 Rejected."

The contents of said envelope are as follows:

J. K. Dawson, et al.,) Office Com. On Citizenship,
(vs) (
Cherokee Nation.) Tahlequah, I. T. Sept. 27th, 1887.

E. Dawson, who bein duly sworn, upon his oath, Deposes and says as follows, to wit:

I am a citizen of the Cherokee Na ion and reside in Coowescoowee Dist. and am 55 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I have known him personally about three (3) years, He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a realtion of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee river in Tenn. I think he had four (4) children. I naver saw any of them but Andrew J. Dawson, and Jim Dawson.

-Cross Ex.-

Joe Dawson has been dead about 35 years he lived west of the Mississippi River, I understand. My father had four brothers. I don't know how long Jou Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of my Uncle Jou Dawson, is from what he himself has told me, - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me- My grandfather being a Dawson and a white man.

Attest

Connell Rogers,
Clk. Com. on Citizenship."

This document is indorsed on back as follows:
"Testimony of E. Dawson in case A. J. Dawson."

The judgment above introduced, and found on page 116 of Book C of the Dockets of Cherokee Citizenship Commission, is as follows:

"James K. P. Dawson,
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind, Ter., Oct. 5, 1837.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	James K. P. Dawson,-		Male		
2	William A. Dawson,				
3	Richard A. Dawson,				

909

C. H. Taylor.

vs.

Applicant for
Cherokee Citizenship,
Census Rolls 1835
Ancestor,
Riley Dawson.

Cherokee Nation. "

In red ink along age column are the words: "Rejected April 26, 1839."

"Adverse to Clairant.
See decision in this case in the t of S. R. Dawson in Book (B) Page 20.
- is April 26, 1839.
D. C. Williams,
Clk Com.

Will P. Ross,
Chairman.
J. E. Carter, Com."

BY MR. HUTCHINGS:

The Nation desires to introduce the original envelope and its contents in the case 196, of Rebecca Dawson, being the application and judgment in the case, also the judgment as copied into the record, Book C, on page 144, the date of said judgment being August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope just introduced is indorsed on the back as follows:

"196, 1, Name Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address Emmet, I. T., Age 48 years, 1835, to 1852, Roll of 18-- Ancestor Maton, Filed the 5 day of Oct 1887, Docket 1017 Book C Page 144, Testimony on Journal- Page - - Decision of Commission, Rejected 28 day of August 1889. Submitted by Mr. Rasmus, Aug. 28, 1889." R"

The contents of said envelope are as follows:

"APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship:
Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Consittution, and with an act of the National Council approved December 8th, 1886, creating your Commission. And respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Moton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokee by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds for this application for Cherokee citizenship by blood, and respectfully awaits the time when Application shall be duly heard and tried in accordance with the aforesaid law.

Age, 48 years; Postoffice, Emmett, Chic. Na. family with their relationship attached is as follows:

No Name Sex Age Relationship.

In witness which application I hereto set my hand on this the 4- day of October 18 7.

(signed) Rebecca Dawson.

Boudinot & Rasmus,
Attorneys."

[illegible]
Cherokee Nation, Ind. Ter.
Tahlequah, August 28th, 1889.

Rebecca Dawson)
V. S.
Cherokee Nation.) The above case was called and submitted by

Rasmus without evidence the Commission decide tat Rebecca Dawson, Age 48 yrs is not a Cherokee by blood a d are not entitled to citizenship in the Cherokee Nation Post Office Emmet Texas - - I. T.

(signed) WILL P. ROSS,
Chairman,
J. E. Gunter, Com."

- - - - - -

The judgment found in Book C, Records of Commission on Citizenship, Cherokee Nation, page 144, is as follows:

"Rebecca Dawson.
OFFICE COMMISSION ON CITIZENSHIP.
Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No	Names	Age	Sex	Post Office	Attorney.
1	Rebecca Dawson	48	female	Emmett, I. T.	

1017

a.
Boudinot & R.
Applicant for
Cherokee Citizenship.

Census Rolls, 1835,
to 1852.
Ancestor,
Moton.

V. S.
Cherokee Nation.

- - - - - - -

Office Commission Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug. 28th, 1889.

The above case was called and submitted by Attorney Rasmus without evidence. The Commission decide t at Rebecca Dawson, aged 48 years is not a Cherokee by blood and not entitled to Citizenship in the Cherokee Nation.
Attest:
E. C. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J. E. Gunter, Com."

BY MR. HUTCHINGS: The Nat on next introduces t e iriginal envelope and contents in the case 193, of Mary Dawson, the contents being the application for citizenship, and the judgmeny as written up by the Court; also the judgment of the Court as copied in Book C, page 145,- said judg ent being rendered August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced is indorsed on back as follows:

"198, 2, Name, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Bowie, Texas, Aged 54, years, 1835 to 1852 Roll of 18- Ancestor, Moton, Filed the — day of 9 18— Docket 1018, Book C Page 145, Testimony on Journal— Page— Decision of Commission Rejected 28th day of August 1889. Submitted by Mr. Rasmus, Aug, 28, 1889."

"APPLICATION FOR CITIZENSHIP".

To the Honorable Commission on Citizenship:
Gentlemen:- The undersigned, your petitioner, this day files this her Application for re-admission to citizenship in the Cherokee Nation in accordance with the Constitution, and with an Act of the National Council, approved December 9th, 1896, creating your Commission. And respectfully makes the following statement of the grounds of this her application, to-wit:

That Mary Dawson is the Grand Daughter of one Noton who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds of this her application for Cherokee Citizenship by blood, and respectfully awaits the time when her Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 54, years; Postoffice, Bowie, Texas, family with their relationship attached is as follows:

No.	Name	Sex	Age	Relationship.
1	Walter Dawson	M	16	Son.

In witness of which application I hereunto set my hand on this the 4 day of October 1897.

Mary Dawson,

Boudinot & Reagus,
Attorneys."

- - - - - - -

COMMISSION CITIZENSHIP,
Cherokee Nation, Ind. Ter.,
Tahlequah, August 20th, 1899.

Mary Dawson, vs. The Cherokee Nation } Application for Cherokee Citizenship.

The above named case having been submitted by W. F. Reagus, Attorney for claimant, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 16 yrs, are not of Cherokee blood, P. O. Bowie, Texas.

Will P. Ross,
Chairman,
J. B. Hunter, Com."

- - - - - - -

Said envelope also containing the following:

APPLICATION FOR CITIZENSHIP
TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen:- The undersigned, your petitioner, this day makes this his application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an Act of the National Council, approved December 9th, 1896, creating your Commission. And, respectfully upon the following statement of the grounds of this his application, to-wit: That James K. P. Dawson is the son of one Riley Dawson who the undersigned firmly believes was duly enrolled upon the - - - Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1835, the undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee Citizenship by blood, and respectfully awaits the time when his application shall be truly heard and tried

in accordance with the aforesaid law.
Age - - years; Post-office - - - family with their relationship attached is as follows:

Names.	Sex	Age	Relationship.
William A. Dawson	Male		Son.
Richard A. Dawson,	"		"

In witness of which application I hereto set my hand on this the 4th day of Oct 1827,

(signed) James K. P. Dawson,
C. H. Taylor, Attorney."

- - - - - -

The judgment as recorded in Book C, page 145, of the records of the Cherokee Commission on Citizenship, is as follows:

"Mary Dawson,

Office of Commission Citizenship.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	Mary Dawson,	54	female	Bowie, Texas.	
2	Walter Dawson,	18	male		

Boudinot & R.
Applicant for
Cherokee Citizenship.

Census Rolls 1835 to 1852
Ancestor
- - - - - -

vs.
Cherokee Nation.

- - - - - -

Office Commission on Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug 25th, 1889.

The above case having been submitted by W. F. Parris, attorney for claimant, without evidence, the Commission decide that Mary Dawson aged 54 years, and her son Walter Dawson aged 18 years are not of Cherokee blood. Post office Bowie Texas.
Attest:

E. C. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J. M. Gunter, Com."

- - - - -

BY MR. HUTCHINGS: The Nation further introduces the original envelope in the case of Andrew J. Dawson, which said envelope contains his original application; also the judgment in that case recorded on page 38, of Book A, of the records of the Citizenship Commission of the Cherokee Nation, which said records are now in the custody of the Commission; the judgment is dated April 26th, 1889.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelavant and incompetent.

The envelope just introduced above, is endorsed as follows:

"Name, Andrew J. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Nevada, Mo. Age 44 years, - - 1835, Roll of 1835, Ancestor, - - Filed the 11 day of February 1887, Docket 37 Book A, Page 38 Testimony on Journal - - Page, Decision of Commission, REjected, 26 day of April, 1889. Rejected."

The contents of said envelope are as follows:

"To the Commission on Citizenship.

Tahlequah, I. T.,
January 27, 1887.

	Age		
Andrew J. Dawson,	44	years	Male
E. R. Dawson,	16	"	"
Olive M. Dawson,	14	"	female
William H. Dawson,	11	"	male
Jessy K. Dawson,	9	"	"
Glennie D. Dawson,	8	"	female.

V.S.
Cherokee Nation.

Know comes Andrew J. Dawson, and five children claiming his right to Cherokee Citizenship by virtue of his Cherokee blood, he sing a cousin of E. Dawson ad others of the same name admitted to Citizenship by the Tom Tehee Court on Citizenship, which is a matter of record, we submit that as proof of the Justness of his claim, his ancestors will be found on the roll of 1835.

Respectfully,

Post-office, (signed) A. J. Dawson &
Nevada, Mo. five children,
by C. M. Taylor,
Attorney."

" " " "

The judgment just introduced and found on page 33 of Book A, Records of Cherokee Commission on Citizenship, is as follows:

"Andrew J. Dawson,
Office Commission Citizenship,
Tahlequah, C. N., Feby 11, 1887.

Docket No Family	Name	Age	Sex	
1	Andrew J. Dawson,	44	Male	Nevada, Mo.
2	E. R. Dawson,	16	"	
3	Olive M. Dawson,	14	Female	
4	William H. Dawson,	11	Male	Applicants for
5	Jessie K. Dawson,	9	"	Cherokee Citizenship,
6	Glennie D. Dawson,	8	Female	C. M. Taylor.

Roll of 1835.

Rejected April 26, 1889, (red ink.)

V.S.
Cherokee Nation.

Filed Feby 11, 1897. Ancestors,

Adverse.

See decision in this case in that of L. R. Dawson, Book P.20.
rendered April 26- 1899.
D. S. Williams,
Clk Com."

BY MR. HUTCHINGS: We next desire to introduce the records in the case of this same Andrew J. Dawson, before the Commission to the Five Civilized Tribes, filed September 7th, 1896, and the judgment of the Commission thereon. Number of said case being 4,094. And the judgment of said case on Page 294, Book B., Dawes Commission Record, 1896. Judgment was rendered November 17th, 1896, denying the application.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The records just introduced, being those filed before Dawes Commission, 1896, in Andrew J. Dawson, et al., are as follows:

Registry Receipt,
Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind Ter., Registered Letter, No. 409, Rec'd, of A. J. Dawson, addressed to S. M. Mayes, Tahlequah, I. T., (signed) D. A. Frayser, P.-M.

"Commission to the Five Civilized Tribes,
Vinita, Ind. Ter., Sept. 7, 1896.

See that you swear to your petition.

Evidence of service of copies of Chief or Governor may be secured as follows: If convenient get his receipt to file with your papers. If you cannot do this, register to him, and have some interested person to make affidavit in form about as follows:

I, S. M. Davidson, do solemnly swear that on the 7th day of September, 1896, I saw a package registered at the Post office at Vinita, Indian Territory, addressed to Hon. S. M. Mayes, Chief of the Cherokee Nation, Tahlequah, Ind. Ter., that registry receipt no.409, received from postmaster, hereto attached, is a receipt to said package, which contained true copies of the application of Andrew J. Dawson, and of the affidavits of M. Dawson and F. M. Dawson in support of same.

(Signed) S. M. Davidson.

Subscribed and sworn to before me, this 7th day of September, 1896.

(Seal) (Signed) [illegible],
Notary Public, Five Civilized Tribes,
Cherokee Nation, Indian Territory.

Attach receipt to this affidavit and send with papers to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, as we understand that packages are not promptly receipted for by the Chiefs and Governors.

xxx

For the Commission."

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:-

The undersigned, your petitioner, Andrew J. Dawson. ~~William H. T. Dawson Jesse K. D.~~. (Line in ink drawn through these names) for and on behalf of Minnie E. E. Dawson, Olive Maud Dawson, William H. T. Dawson, Jesse K. Dawson, Glen Dale Dawson, James K. P. Dawson, William A. Dawson, Maggie E. Dawson, Richard A. Dawson and Mary E. Dawson and heirs, this day make their application to you for the purpose being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the funds and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokee Indians by blood, deriving the same from Captain John Rogers, Polly Rogers, Daughter of Captain John Rogers, married Samuel Dawson, whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the years 1817, 1818, 1819 and 1835 & 1838 the same to be submitted to your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his proof in support of said claim, and respectfully awaits the time when his application will be heard and tried.

Respectfully submitted,

Andrew J. Dawson,

Enrollment of family, with relationship as claimed, as follows:

Names.	Ages.	Relationship.
Minnie E. E. Dawson,	25	Daughter,
Olive Maud Dawson,	23	daughter
William H. T. Dawson,	20	son,
Jesse K. Dawson,	18	son.
Glen Dale Dawson,	16	daughter.
James K. P. Dawson,	7	brother.
William A. Dawson,	13	Nephew.
Maggie E. Dawson,	3	Neice.
Richard A. Dawson,	12	Nephew.
Mary E. Dawson,	5	Neice.

IN WITNESS WHEREOF, I hereunto set my hand this [illegible] day September 1896.

(signed) Andrew J. Dawson."

Jurat on back as fol ows:

United States of America,
Indian Territory,
Northern District.

Andrew J. Dawson, of lawful age, being duly sworn st tes that he knows the facts set forth in the above and foregoing application and that the same are true as he verily believes.

(signed) Andrew J. Dawson,

Subscribed and sworn to before me on this the 3rd day of September 1896.

(signed) J. A. Tillotson,
Notary Public.

(Seal)
My Commission expires June 8th 1899.

- - - - - - -

Indian Territory,
Northern Judicial Dis- } ss.
trict

Andrew J. Dawson, of lawful age, being by me first duly sworn on oath says that he is 58 years old that his post office address is Afton, I. T. Affidavit further says that he is a citizen of the Cherokee Nation and a Cherokee Indian by blood deriving his Indian blood from Polly Rogers daughter of Captain John Rogers, that Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Hiwathia river while emigrating to the west.

Affidavit further says that Samuel Dawson and Polly Rogers are his Grandfather and Grandmother and that Captain John Rogers was recognized by the National Council of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation of 1852 as follows: An Act of the Council of 1848 page 68, an act of Nov. 17th 1848, page 96, also an act of Nov. 16 1849 page 204.

Affidavit further says that he is a blood relation of E. Dawson, F. M. Dawson, Joseph Dawson, and John Dawson who were admitted to citizenship by the Cherokee Nation and whose names appear upon the authenticated rolls of 1893.

(signed) Andrew J. Dawson.

Subscribed and sworn to before me this 3rd day of September A. D. 1896.

(signed) J. A. Tillotson,
Notary Public.

(Seal)
My Commission expires June 8th 1899."

"Indian Territory,
Judicial Dist. } S.S.

F. M. Dawson, of lawful age, being by me first duly sworn on oath says that he is 54 years old; that his post office address is Afton, Indian Territory, Affidavit further says I have known Andrew J. Dawson for the past 10 years and have known him and recognized him as a Cherokee Indian and a cousin of mine, he claims to have originated from the family of Joe Dawson and he was a brother of Robert Dawson my father, and he being an offspring of Sam Dawson, who married Polly Rogers, a daughter of Captain John Rogers, who was a recognized Cherokee Indian.

his
(signed) F. M. x Dawson
mark

Subscribed and sworn to before me this the 4th day of Sept 1896."

(signed) Frank L. Sharp
Notary Public. (Seal)"

- - - - - - -

"Ind Ter
Northern Dist

This affidavit made this 4th day of Sept 1896 by E. Dawson of this Dist in the Cherokee Nation I have known A. J. Dawson 10 years and have known him and recognized him as a Cherokee Ind and a cousin of mine, he claims to originate from the farily of Joe Dawson and he was a brother of Robert Dawson and being an offspring of Sam Dawson who was (line in ink drawn through word was) married Pollie Rogers a daughter of Captain John Rogers who was a recognized Cherokee Indian.

(signed) E. Dawson.

Subscribed and sworn to before me this 4th day of Sept 1896.

(signed) J. Barricklaw,
Notary Public,

My commission expires June 8, 1899.
(Seal)"

Indorsed on back: "No. 1509, A. J. Dawson vs Cherokee Nation Filed Sept 7-1896 A. S. McKennon, Com'r."

- - - - - - -

Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabaniss, A. B. Montgomery, Commissioners.
In the matter of the application of
Andrew J. Dawson, Nation's No.....
Commission's No.....
for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy.

2nd. That the application does not state facts sufficient if true, to show that the applicant . . . entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that John Rogers through whom the petitioner claims to derive right to citizenship in the Cherokee Nation, is not now, - . . and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory, as at present located and defined; that his name does not appear on any of the authenticated rolls of said nation; that neither nor any of his ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, . . citizens thereof.

See case Nation's No. 1573.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Mayes, Principal Chief Cherokee Nation.

B. Hutchings, Hastings & Goudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answers are true, to the best of his knowledge and belief.

(signed) John L. Adair,

Subscribed and sworn to before me this the 5 day of Oct 1896.

(signed) D. J. Ball,
Notary Public.

(Seal)"

Indorsed as follows: "Nation's No. 4879.
Commission's No. 4694, In re application of Andrew J. Dawson, DEMURRER AND ANSWER. Filed Oct 21 W. M. Jadoway, Sec."

The foregoing documents, comprising the 1888 papers as above set forth, are inclosed in envelope indorsed:

"No. 4694, Petition of Andrew J. Dawson, and heirs, Cherokee, 9-7-96. Rejected."

Which envelope is inclosed in jacket, marked "No.4694."

- - - - - - -

BY MR. HUTCHINGS: Now we desire to introduce the records in the case of Joanna Barber, et als., No. 1864; the United States Court number being 90, and the Nation desires to call especial attention to the testimony of W. C. Rogers and Sarah Carter as set forth in this case.

BY MR. McKENNON: To all of which applicants object, because it is wholly irrelevant, immaterial and incompetent.

Records in said case are as follows:

blood is shown by proof herewith filed.

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners authorized by an act of Congress of June 4, 1896, to hear and determine claims for Citizenship in the Cherokee Nation:

Gentlemen:- The undersigned, your petitioner, Joanah Barber, for and on behalf of himself and heirs, this day makes this their application to you for the purpose of being placed on the revised roll of Cherokee Indians and of those entitled to

share in the distribution of funds and allotments of land in Cherokee Nation, by virtue of their Cherokee blood, and I herewith submit the affidavits of E. Dawson, S. R. Dawson, W. A. Dawson & F. R. Dawson in support of said claim, and respectfully await the time when our application shall be heard and tried.

Respectfully submitted,
(Signed) Joanah Barber.

Enrollment of family, with relationship attached, as follows:

Names		Age	Relationship.
Joanah Barber,		60	Daughter of Elizabeth or Betsy
Isaac J. "	Husbd	65	Petty, nee Dawson, who was a
Onis E. "		26	daughter of Polly Dawson, nee
W. R. "		24	Rogers who was a daughter of
James E. "		18	Capt Jno Rogers and Ailey Rogers
Johny "		6	nee Vann a Cherokee Indian by
Joel A. Barber		39	blood as is shown by proof here-with filed.

In witness of which I hereto set my hand on this 5 day of August 1896.

(Signed) Joanah Barber."

Indorsed as follows: "Pd $.50 No.... Petition of Joanah Barber for and on behalf of herself and heirs."

TO THE HONORABLE HENRY L. DAWES AND OTHERS COMPOSING THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitioner, Joanah Barber, would state and show from the proof submitted to the Commission that she is a Cherokee by descent and by blood having been born in Carroll County, State of Ark. on the 5 day of Dec 1835. My fathers name was John Petty. My mothers name was Elizabeth Petty, nee Dawson. That I now reside in the Cherokee Nation, and have resided there for 10 years. And she avers these facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe. And she further avers that these facts being proved she is entitled to be adjudged under the laws of such Nation and the laws of the Congress of the United States and the treaties of such Nation with the United States, a citizen of such Nation, with all the rights, privileges and protection of citizenship in such Nation. Wherefore she herewith respectfully submit to the consideration of the Honorable Commission such proof and on the hearing she be adjudged entitled to such citizenship and her name be placed upon the proper roll as a citizen of such Nation.

(Signature) Joanah Barber.

INDIAN TERRITORY,)
(SS
FIRST JUDICIAL DIVIS)

Now on this 5 day of Aug personally appeared before me T. L. Tatts a Notary Public in and for the Nation aforesaid, Joanah Barber, who being duly sworn upon his oath states that the facts set forth in the foregoing petition are correct and true.

Subscribed and sworn to before me this 6 day of August 1896.

(signed) W. J. Watts,
Notary Public.

(Seal)"

- - -

"(COPY)
In the matter of the claim of Joanah Barber nee Joanah Petty to Cherokee Indian Citizenship in the Cherokee Nation , Indian territory.

Affidavit of S. R. Dawson.

Delaware District,)
Cherokee Nation,)
Firt Judicial Division,)
U.S. Court, Indian Territory. (SS
)
)
)

S. R. Dawson, to me well known to be reliable and respectable, after being duly sworn according to law states on oath, that he is a bona-fide citizen of the Cherokee Nation by blood- that he is a resident of said Nation- that his post-office address is Afton, I. T.; that he is fifty-one years of age- that he is well acquainted with the claimant Joanah Barber and has as long as he has known any person- that she is of Cherokee Indian descent- that her maiden name was Joanah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of Polly Rogers, a person of Cherokee Indian descent, who intermarried with Samuel Dawson, a white man- that he said Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann both well known Cherokee Indians.

Affiant is not directly nor indirectly interested in the result of this application.

(Impress of National Seal)

(signed) S. R. Dawson.

Subscribed & Sworn to before Jany 6 1892
(signed) T. B. Hibbard,
Notary Public."

"United States of America,
Indian Territory, (ss
First Judicial Division.

I, William T. Rasmus, a Notary Public in and for the Judicial Division aforesaid, do hereby certify that the next above in the [illegible] one page of manuscript is a true and literal copy of the original [illegible] at Tahlequah, Ind. Ter'y, this the third day of July A.D. 1896.

(signed) William T. Rasmus.
Notary Public, First Judicial Division, Indian Territory.
(Seal) My Commission expires May 5, 1897."

(A copy)

In the matter of the claim of Joanah Barber (nee Joanah Petty)

to Cherokee Indian Citizenship in the Cherokee Nation, Ind Ter.

Affidavit of E. Dawson,

Coowescoowee District,)
Cherokee Nation,)
First Judicial Division,) ss
U. S. Court, Ind. Ter.)

E. Dawson, to me well known to be reliable and responsible after being duly sworn accord[illegible] to law states on oath that he is a Bonified citizen of the Cherokee Nation by blood- that he is a resident in said Nation that his post office address is Talala, Ind Ter.-that he is 58 years of [illegible] that he is well acquainted with the claimant Joanah Harper [illegible] has been as long as he has known any person- that she is a person of Cherokee Indian descent the her maiden name was Joanah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of one Polly Rogers a person of Cherokee descent, who intermarried with Samuel Dawson, a white man, that the said Polly Rogers was the daughter of Captain John Rogers a well known Cherokee Indian.

Affiant is not directly nor indirectly interested in the result of this application.

(signed) E. Dawson.

Subscribed and sworn to before me this the 24th day of Febry 1893.

(signed) A. E. Williams,
Notary Public.

(Impress of National Seal here.)
Com. Exps. Sept, 26/96.

United States of America,
Indian Territory, S S
First Judicial Division.

I, William T. Rasmus, a Notary Public within and for the First Judicial Division, Indian Territory, do hereby certify that the next above and the within one page of an affidavit is a true and literal copy of the original presented to me at Tahlequah, Ind Ter. this the third day of July A.D.1897.

(signed) Wm. T. Rasmus.

(Seal) Notary Public, First Judicial Division, Indian Territory, My Commission expires Febry 3, 1897.)

- - - - - -

"United States of America,
Western District of Arkansas, ss.

In the case of one Joanah Harper claiming for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian Commission at Muskogee, Cherokee Nation, Indian Territory.

Personally came before me [illegible] Williams, a Commissioner U. S. Court within and for the District aforesaid duly authorized to administer oaths E. A. Dawson, to me personally well known to be reputable and entitled to credit, and who being by me first duly [illegible] law, on oath

and says: My name is F. A. Dawson, my age is 52; a man; my post-office address is Tulsa, Ind. Terry. I am a farmer by occupation, I am a citizen of the Cherokee Nation, I. T. by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: That he is personally well acquainted with the claimant, Joanah Barber- whose mother's name was Elizabeth (commonly called Betty) Petty, Dec'd nee Elizabeth Dawson, - a Cherokee Indian by blood, and who was the sister of his father; James Dawson, Dec'd, a recognized and acknowledged Cherokee Indian by blood- she was also a sister of Robert Dawson Dec'd a recognized and acknowledged Cherokee Indian by blood- said Robert Dawson having been a full brother to said James Dawson- that therefore the said claimant, Joanah Barber is his (affiant's) first cousin by Cherokee Indian blood and that he so recognized and acknowledged her.

(signed) F. A. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry this third day of December A.D.1894.

(seal)

(signed) Wm. F. Rasmus,
United States Commissioner."

- - - - - - -

"UNITED STATES OF AMERICA.)
Western District of Arkansas.)ss

In the case of Joanah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William F. Rasmus, a Commissioner of the U. S. Dist. Court within and for the District aforesaid duly authorized to administer oaths Francis M. Dawson, to me made personally well known to be reputable and entitled to - - and who - - duly sworn according to law deposes and says: My name is Francis M. Dawson my age is about 57 years, my post-office address is Afton, Ind. Terry, I am a farmer by occupation, I am a citizen of the Cherokee Nation, by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: I am personally well acquainted with the claimant Joanah Barber, whose mother's name was Elizabeth (commonly called "Betty") Petty, nee Elizabeth Dawson, a Cherokee Indian by blood, said Elizabeth Petty was a full sister of my father Robert Dawson Dec'd, a Cherokee Indian by blood- and I acknowledge the relationship by Cherokee Indian blood of Joanah Barber to me as first cousin- and I know that the said Joanah Barber therefore is of Cherokee Indian blood.

(signed) F. M. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry- this 17th day of November A.D.1893.

(seal)

(signed) Wm. F. Rasmus,
United States Commissioner.

Indorsed on back as follows: "No. 1 Filed Feb 24 1897, Jas. A. Winston, Clerk."

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"Page 20, Docket "B"
Joarmah Barber.
Office Commission on Citizenship,
Tahlequah, C. N. August, 1807.

Docket. No.	Names	Age.	Sex.	Post Office.	Atty.
1	Joarmah Barber	51	female	Vinita, I. T.	
2	Alley J. Barber	34	female		
3	Irena Barber	24	female		
4	Erma Barber	22	female		
5	Atta Barber	20	female		
6	Mary Barber	13	female	applicant for	
7	Onice Barber	17	female	Cherokee Citizenship	
8	Joel Barber	31	male	Rolls 1835	
9	Calaway Barber	27	male		
10	Toliver Barber	30	male	Ancestor	
11	Riley Barber	15	male		
12	Edgar Barber	9	male		
	V.S.			John Rogers &	
	Filed Aug.12, 1807.			Alcy Pruett	

See decision this case in that of L. R. Dawson, adverse to claimant in this Book page 20.
This April 26th, 1889.
D. S. Williams, Clerk cor.
Will. P. Ross, Chairman,
J. E. Gunter, Com."

- - - -

"S. R. Dawson.
Office Commission on Citizenship,
Tahlequah, C. N. Aug. 11th, 1807.

Docket. No.	Names.	Age.	Sex.	Post Office	Atty.
1	S. R. Dawson,	66		Catoosa, I. T.	
2	Parlee Dawson,	44	female		
3	America J.Dawson,	35	female		
4	Katherine J. "	35	female		
5	J. C. Dawson,	31	male		
6	Elias F. Dawson,	29	male		
7	Toliver Dawson,	27	male	Applicant for	
8	Erma Dawson,	20	female	Cherokee	
9	Fanny Dawson,	18	female	Nation	
10	John Riley Dawson	11	male		
11	Robt. E. Dawson,	9	male	R	
12	Clara Dawson,	7	female		
13	Cleveland Dawson	3		Ancestor	
	Filed Aug. 11, 1807.			John Rogers	
	Rejected April 26, 1889.				

Now this day comes the above case for final hearing, Samuel R. Dawson bases his application for re-admission to Citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson, a White man, Polly Rogers, the alleged daughter of Captain John Rogers, and Chilsey Pruett said to be half sister of Joseph Vann commonly known as rich and who were of Cherokee blood. It is admitted that John Rogers was

Chilsey Proctt died before the roll upon which their names would appear if living at the time, and specified in the 7th Section of the Act of December 8th, 1896, creating the Commission on Citizenship were made, but in support of the application it is urged that certain members of the Dawson family the full brothers of the applicant were admitted to citizenship by the Commission on Citizenship commonly known as the "Tahlee Court" and "Spears Court" and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the consideration which determined the decisions of those Commissions or the testimony now introduced to authorize the admission of the present applicant is not relevant in the issue now pending. The 7th Section of the Act of December 8th, 1896, before cited provides that the Commission hearing to any person applying for citizenship in the Cherokee Nation upon the grounds of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census roll of Cherokees taken by the United States, or who hereafter enumerated, neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls, the Commission adjudge and decree that Samuel P. Dawson and family are not entitled to re-admission of citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the case of Andrew J. Dawson, James K. P. Dawson, Joannah Barber, nee Joannah Dawson, and Jane Queen, nee Jane Dawson and their families as enumerated in their respective applications.

Will. P. Ross, Chairman,
F. Bunch, Commissioner,
John E. Hunter, Commissioner.

This April 28th, 1898,
D. S. Williams, Clerk Com."

- - - - - - -

United States of America,
Indian Territory,
Northern District. } ss.

W. C. Rogers being duly sworn on oath deposes and says: that he is a citizen and resident of the Cherokee Nation, Indian Territory. That his post-office address is Skiatook, Ind. Ter. that he was born and raised in the above and Nation and Territory; that he is 46 years of age.

Affiant further states that he is slightly acquainted with Irena J. House, an applicant for admission to citizenship in the Cherokee Nation as shown by copy of her application.

Affiant further states that his father's name was Charlie Rogers- who was a son of Captain John Rogers and the said Capt. John Rogers was the only man of that name that ever lived in the Cherokee Nation-that this affiant ever heard of; that the said Capt. John Rogers this affiants grandfather lived at Grand Saline, I. T. and died in Washington, D. C.

This affiant states that his father Charlie Rogers had one sister and five brothers viz. Cynthia Rogers, Lewis Rogers, George Rogers, Nelson Rogers, Granvil Rogers and Randolph Rogers; that he (this affiant) was well and personally acquainted with the above said parties except Granvil and Randolph Rogers, who were killed when this affiant was quite young.

This affiant states that he was 34 years of age, when his father, Charlie Rogers died, that his father never had any other ~~sis~~ (wife or ~~bro~~) brothers or sisters that he knows & ~~are~~ positively that the said Polly Rogers named in the application for citizenship of Irena J. House, was not a sister of his father~~s~~ that his father never had but one sister viz. Cynthia Rogers ~~tha~~ that this affiant ever heard of; that this affiant was well acquainted with his aunt Cynthia Crump."

Just here the following is inserted on corporate paper:

"EXECUTIVE DEPARTMENT OF
CHEROKEE NATION. I, John L. Adair, Executive Secretary of the Cherokee Nation, do hereby certify that I have compared the foregoing with the original record in this Department, and that the same is correct copies and transcripts therefrom.

In witness whereof I have hereunto set my hand and affixed the Great Seal of said Cherokee Nation, at Tahlequah, this, the 5th day of Feb. 1896.

(Seal) (signed) John L. Adair,
Executive Secretary."

Then the above affidavit continues:

"(nee) Rogers that she lived with this affiant's father for a number of years prior to here do th.

Affiant states that he has often talked with his father, Charlie Rogers and his aunt Cynthia Crump (nee Rogers) about his relatives; that they never spoke of any other sister in their family; that this affiant was about 30 years of age when his aunt, Cynthia Crump died: that they told him there never was (words "never was" marked over with ink) father never had any other daughter or daughter other than Cynthia Rogers

Affiant states that his father told him a number of times, that this affiants grandfather Capt John Rogers never had any other family other than the one above mentioned; that this affiant never heard his father Charlie Rogers or any of his relatives speak of his grandfather Capt John Rogers owning or running a boat up any river.

Affiant states his father Charlie Rogers was born on Big Mulberry, South-east of Van Buren, Arkansas, in the year of 1817.

Further affiant saith not.

. . Rogers.

Subscribed and sworn to before me on this the first day of October, 1896.

(signed) William . . Hall,
Notary Public,
(seal) My Commission expires January 16th, 1900."

"United States of America,)
Indian Territory,) SS
Northern District.)

Mrs. Sarah Carter being first duly sworn states: that she is a citizen and resident of the Cherokee Nation, Ind. Ter. and her post office address is Tahlo, I. T., that she is 65 years of age.

Affiant states that she is the daughter of Charlie Rogers that her grand mother on her father's side was Capt John Rogers. Affiant further states that W. C. Rogers is a brother, and that she had read the foregoing affidavit of W. C. Rogers, and knows the contents thereof; that the facts therein set forth are true as she verily believes.

(signed) Sarah Carter.

Subscribed and Sworn to before me this the first day of October, 1896.

Wilvia M. Hall,
Notary Public,

My Commission expires January 10th 1900.
(seal)

- - - - -

Before the Honorable Henry L. Lowe, Frank C. Armstrong, A. S. McKennon, T. B. - (illegible) A. B. Montgomery, Commissioners.

In the matter of the application of Nations No.1573
Joanna Barber Commissioner's No...
et al-
for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and returns the said application, and for his grounds thereof says:

1st. That the Commission had no jurisdiction over the parties or subject matter of this controversy, and not legal rights, therefrom, to hear and determine the same.

2nd. That the application does not state facts sufficient, if true, to show that the applicants are entitled to citizenship.

3rd. Respondent not waiving the aforesaid demurrer, but insisting upon the same for answer to said application, says that John Rogers through whom the petitioners claim to derive their right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory where it presently located and defined; that his name does not appear upon any of the authenticated Rolls of said Nation; that neither he nor any of their ancestors now reside or ever have resided in the Cherokee Nation and Indian Territory, and citizenship thereof.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Mayes, Principal Chief Cherokee Nation.

Mr. Hutchings, Hastings & Goodnight, Attorneys.

John B. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing are true, to the best of his knowledge and belief.

(signed) John B. Adair,

Subscribed and sworn to before me this the 5th day of Oct. 1896.

(seal) (signed) D. J. Ball,
Notary Public.

Indorsed on back as follows: "1874 90 Nation's No. 1577, Commission's No..... In the application of No 2 Joanna Barber Demurrer and Answer Filed Mar 13 1897 Jas. A. Pinkton, Clerk/ Filed Oct 7 1898 T. M. Jacoway, Secy."

"BRIEF.

BEFORE THE HONORABLE COMMISSION OF THE UNITED STATES OF AMERICA,

duly appointed and empowered by Act, under and by virtue of the Act of Congress of June 4th 1898, to hear and determine all claims for citizenship of the Five Civilized Tribes of Indians, to-wit:
Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians.

In the matter of the application for citizenship in the Cherokee Nation, of Joanna Barber and her children, to-wit:

Ona B. Barber, William M. Barber, James T. Barber, Johnnie Barber and Joel A. Barber.

In the matter of the application for citizenship in the Cherokee Nation of Joel A. Barber and his children, to-wit: Hattie Barber, Toliver Barber, George A. Barber, Frankie O. Barber, Jessie Barber and Ethel Barber.

In the matter of the application for Citizenship in the Cherokee Nation of Mary A. Bauer and her child, to-wit: Inez Bauer.

In the matter of the application for citizenship in the Cherokee Nation of Erma L. Murphy and her child, to-wit: Claude M. Murphy.

In the matter of the application for Citizenship in the Cherokee Nation of Erma Moore and her children, to-wit: Anna J. Moore, Jackson D. Moore, Kimby Moore and Gladys Moore.

In the matter of the application for Citizenship in the Cherokee Nation of Attie L. Hunt and her child, to-wit: Berman. Hunt.

In the matter of the application for Citizenship in the Cherokee Nation of Alcey J. Swart and her children, to-wit: Georgia A. Swart and Mary E. Swart.

In the matter of the application for Citizenship in the Cherokee Nation of Joannah J. Carlinghouse and her children, to-wit: Myrtle O. Carlinghouse, Cora L. Carlinghouse and Martha E. Carlinghouse.

In order that the Honorable Commission may clearly and fully understand the proof and merits of the Claim of the aforesaid Claimants, we deem it necessary to present to the Honorable Commission, the genealogy of one of said claimants, to-wit:

Joanna Barber, whose maiden name was Joanna Petty, is a daughter of Elizabeth Petty, nee Dawson and a granddaughter of Polly Lawson, nee Rogers and a great granddaughter of Colonel John Rogers, who was a Cherokee Indian by blood as appears by the proof herein submitted.

Jool A. Barber is a son of Joanna Barber, nee Petty and grand son of Elizabeth Petty, nee Dawson and a great grand son of Polly Dawson nee Rogers and a great great grand son of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted. Mary A. Baker, whose maiden name was Mary A. Barber, is a daughter of Joanna Barber and grand daughter of Elizabeth Petty, nee Dawson and great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

E. a Murray, whose maiden name was Em a Barber, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabethe Petty, nee Dawson and a great great grand daughter of Polly Dawson nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Erra Moore, whose maiden name was Erra Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof.

Attie L. Hunt, whose maiden name was Attie L. Barber, isa daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blodd, as shown by the submitted proof.

Alcey J. Swart, whose maiden name was Alcey J. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson, and a great grand daughter of Polly Dawson, nee Rogers, and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joanna J. Parlinghouse, whose maiden name was Joanna J. Swart, is a daughter of Alcey J. Swart, nee Barber, and a grand daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, nee Rogers, and a great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Therefore, the Claimants pray the Honorable Commission, that after a careful examination of their application and an impartial investigation of the proof herein submitted, you will adjudge each of said Claimants, together with their aforementioned Children, entitled to citizenship in the Cherokee Nation, and that you place the name of each Claimant, together with the names of their aforementioned Children, upon the Cherokee roll, and that you grant to them all the rights, privileges and immunities of citizens of the said Cherokee Nation.

(signed) Hubbard, Carlind & Watts,
Council for Petitioners."

Indorsed on back as follows: "No 3 Filed Feb 24 1897, Jas. A. Pinston, Clerk."

Commissioners,
Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cravens, Alexander H. Montgomery--H. M. Jacoway, Secretary.

DEPARTMENT OF THE INTERIOR.

Commission to the Five Civilized Tribes,
Vinita, Indian Territory, Oct 8., 1896.
Filed Sept. 8, Answer Filed,
Application denied.

Joanna Barber,
vs.
Cherokee Nation.

I, H. M. Jacoway, Jr., Secretary, do hereby certify that the above and foregoing is a true and correct copy of Cherokee Record A. page 297 of the Commission to the Five Civilized Tribes.

Given under my hand and official signature this the 12 day of Feb. 1897.

H. M. Jacoway, Jr.,
Secretary."

Indorsed as follows: "1864 No. 4 Filed Feb 24 1897 Jas. A. Pinston, Clerk."

"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Joanna Barber et al,
vs.
Cherokee Nation. No. 1864.

AFFIDAVIT FOR APPEAL.

Now come the said Joanna Barber et al applicants for citizenship in this case by W. B. Watts, one of their attorneys, and pray an appeal from the decision of the Honorable Commission to the United States District Court as provided by the Act of Congress approved June the 10th, 1896.

And the said W. B. Watts, being duly sworn and acting on behalf of said applicants says that the appeal prayed for in this case is not asked for the purpose of delay but that justice may be done the applicants.

(signed) W. B. Watts,

Sworn and subscribed to before me this 22nd day of December 1896.

(signed) J. C. Lindsey,
Notary Public.
(SEAL)
My Commission expires March 20th 1897."

Indorsed: "Court No."

"Received of H. L. Maxey, Jr., Secretary of the Commission to the Five Civilized Tribes, the original papers, in the case of - - - - vs - - - - Nation, as follows:

Witness my hand and official seal at Muskogee this the 20 day of Feb' 1897.
(SEAL) (signed) J. Q. Fincher, Clk."

Endorsed: "Court # 90 No.1864. Receipt for original papers in the case of Joanna Barber et al vs. Cherokee Nation. Received and filed this . . . day of . . . 189. . . Secretary."

- - - - - - - - - -

"IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY, NORTHERN JUDICIAL DIVISION, AT MUSKOGEE, IND. TER.

Joanna Barber Onis E. Barber, William R. Barber, James E. Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Ella Moore, Attie L. Hunt, Alsey J. Smart, APPELLANTS.

VS

CHEROKEE NATION, APPELLEE.

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Come now the appellants in the above entitled cause and petition the Court to grant an appeal in said cause from a decision of the Commission, known as the Dawes Commission, created and empowered to treat with the Five Civilized Tribes of Indians, to-wit: the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Indians, and to pass upon and decide applications for citizenship in the said Five Civilized Tribes, which decision by said Commission was rendered by authority of, but not in accordance with, an Act of Congress passed and approved June 10th, 1896, and by which decision on the 29 day of October, 1896 the aforesaid appellants were denied their rights to citizenship in the Cherokee Nation, Indian Territory.

The facts relied upon by the appellants to establish their rights to citizenship in the Cherokee Nation, as aforesaid are as follows: to-wit; The affidavits of E. Dawson, S. E. Dawson T. A. Dawson, F. H. Dawson.

Said affidavits fully and conclusively establishing the fact that said applicants are Cherokee Indians, by blood and descent, and entitled to rights of citizenship in the Cherokee Nation.

Said affidavits, together with the application, of said appellants, were, prior to September the 10th, 1896, filed with and submitted to said Commission for its investigation, consideration and decision.

That a certified copy of said application, together with the accompanying affidavits, were served upon the Chief, or Attorney General, of said Cherokee Nation, prior to September the 10th, 1896.

The action of the Commission in rejecting the claims for citizenship of said appellants are the grounds for appeal to this Court, to-wit:

FIRST. The Commission erred in rendering its decision on said claims adversely to the appellants and against the proof submitted by said claimants.

SECOND. The Commission erred in investigating the claims of appellants and denying same in the absence of a majority of the members of the Commission.

THIRD. The Commission erred in refusing the appellants the right and privilege of examining the proof submitted by appellee in support of the answer filed by the appellee and denying the appellants the right of filing replication to appellee's answer or producing proof in rebuttal of the same.

FOURTH. The Commission erred in denying the appellants the right of a trial of their claims by a competent jury, as granted to them by the law and constitution of the United States.

FIFTH. The Commission erred in refusing appellants the right to be present in person, or by attorney, during the trial and determination of their claims before the said Commission.

SIXTH. The Commission erred in refusing to issue process for witnesses and to send for persons and papers when requested to do so by the appellants.

SEVENTH. The Commission erred in deciding against the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in deciding against blood, holding that blood was not a test of the right of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the question of residence, holding that residence in the Cherokee Nation was not a test of the right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their docket or record the grounds upon which the claims of appellants were denied and refusing to notify appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims or deny the same.

TWELVTH. That the Act of Congress approved June the 10th, 1896, was unconstitutional and had no power or legal right to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

THIRTEENTH. That Congress had no power by enactment to create, appoint and empower a judiciary, and said Commission erred in denying the claims of said appellants without any legal authority to do so.

Wherefore, the appellants of this cause pray that an appeal be granted to this Court and that a trial, de novo, be granted the appellants, and that said appellants be permitted to introduce new testimony, and that an order be made requiring said Commission to send all pleadings, papers and records filed before it in this cause to this Court, and that the Cherokee Nation, the appellee in this cause, be cited to appear

at this Court and plead and defend against the said rule to show why the appellants should not by the rules, orders and decisions of this Court be adjudged entitled to citizenship in the said Cherokee Nation, and the appellants will ever pray.

(signed)
W. P. Watts,
A. H. Garland,
W. J. Watts,
Attorneys for Appellants."

Indorsed on back: "Cherokee Citizenship Case, No. 90 No 5 Joanna Barber et al vs Cherokee Nation Filed Dec 23 1896 Jas A Winston clerk Watts, Garland & Watts, Attorneys for Appellants."

- - - - -

"SUMMONS.

SC WGW
United States of America,
Indian Territory,
Northern District. } ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the Northern District, Indian Territory:

You are commanded to summon the Principal Chief of the Cherokee Nation, or the Attorney General of said Nation, to answer on the first day of next May term of the United States Court for the Northern District, Indian Territory, at Muskogee, Indian Territory, being the 4th day of May, 1897, A.D. 189— a petition praying an appeal from the decision of the Commission to the Five Civilized Tribes duly filed in said Court by Joanna Barber, Onis E. Barber, Wm R Barber, Jas E Barber, Jennie Barber, Joel A. Barber, Lary A. Barber, Eva Moore, Attie L. Hunt, Algey J. Smart, who claim to be entitled to be enrolled as citizens of said Nation, to the United States Court for the Northern District, Indian Territory, which petition is now pending in said Court, and warn him upon a failure to answer petition within thirty days from the time of the service of this writ, the same will be taken for confessed, and you will take due return of this summons within ten days after the actual service of this writ.

Witness the Honorable William M. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 28th day of Dec. 1896 A.D.189—

(signed) J. A. Winston, Clerk.

(SEAL)"

"MARSHAL'S RETURN.

I received this summons the 28th day of December A.D. 1896 and served the same as follows: W. T. Hutchings, Attorney for Cherokee Nation Indian Territory Accepted Service on the within at Muskogee, I. T. Ter on this 12th day January 1897

(signed) W. T. Little

By .....

By ....."

Indorsed on back as follows: "Citize
No. 6.. Nation... Suit one....At

"Joanna Barber et al.
vs. No.90.
Cherokee Nation.
Mr. N. A. Gibson, Spe
case was referred, submit the Do

'IN THE UNITED STATES COURT IN
NORTHERN DISTRICT, AT

JOANNA BARBER ET AL)

-VS)- : NO.

THE CHEROKEE NATION.)
----------oOo----------

I, N. A. Gibson, Special Master
that under the general order herein,
proof and pleadings herein, which is
a part hereof, and I find as fo

I

This this cause was instituted
before the Dawes Commission to the F
Joannah Barber, and Isaac J. Barber,
Children, Onis E., William R., James
Barber. That Joel A. Barber has the
Hattie Toliver, George A., Frankie C.
That the application includes also
child Inez Boyer, Emma L. Murphy and
Ena Moore and her children Anna J.,
Gladys, Attie L. Hunt and her child
and her children Georgia A. and Enzey
Garlinghouse and her children Myrtle
M. Garlinghouse. That this applicati
tried and rejected on October 28th, 1
tives for the decision, and that subs
1896, the claimants appealed to this
all live in the Cherokee Nation, Indi

II

That the parties claim the right
citizenship in the Cherokee Nation by
descent from Polly Rogers, who is cla
Indian by blood. That the filed in
the affidavits of S. H. Lawson, E. Da
and W. A. Lawson, who testify that Jo
daughter of Elizabeth Reedy, [illegible]
of Polly Rogers, who [illegible] Cato
Samuel Lawson, that Polly [illegible]
Captain Joe [illegible] Alberty Ward.
are all Cherokee citizens by blood,

claimants, and according to their testimony, related to them by blood.

The Cherokee introduces to controvert this testimony the decision of the Cherokee Commission on Citizenship, rendered in the year 1907, in which these claimants were rejected by this Commission and also the affidavits of W. C. Rogers a grandson of Captain John Rogers, and Mrs. Sarah Carter, a granddaughter of Captain John Rogers, both of whom state that they never heard of any daughter of said Captain John Rogers by the name of Polly Rogers, and that Cynthia Rogers was his only daughter.

III

The claimants contend that they are residents of the Cherokee Nation, and are relatives of the Dawson family, who are recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the Cherokee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west; that his name does not appear on the rolls of the Cherokee Nation, and that he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

The premises considered, in view of the unsettled condition of affairs in the Cherokee Nation at the time when Captain John Rogers, the ancestors through whom these claimants trace their Cherokee blood, lived, and especially in view of the absence of a reliable land and of records pertaining to marriage, I regret the opinion that these claimants have proved that they are descended from Capt. John Rogers, who resided in the Cherokee Nation, and was a recognized citizen, though they do not show that he was ever enrolled as such, and I therefore find that the claimants are all residents of the Cherokee Nation, Indian Territory, and that they are all Cherokee Indians by blood. That they have resided in the Cherokee Nation since 1907, and probably longer, though the proof does not state definitely how long they have so resided.

I ask that the Court allow me a reasonable fee for my services herein as special master.

Respectfully submitted this 16 day of August, 1907.

(signed) H. A. Gibson,
SPECIAL MASTER.

My fee paid.

No exceptions filed."

BY THE COURT.

From this report it appears that the claimants came there [illegible] to be enrolled as citizens of the Cherokee Nation upon the grounds that they are the descendants of a Cherokee Indian by blood. But their ancestors through whom they claim have never resided in the Cherokee Nation as now constituted. It does appear that they have resided in the Cherokee Nation since 1907, and probably longer, though the proof does not state definitely how long they have so resided. It does not appear that the claimants or any of their ancestors have ever been recognized as members of the Cherokee Nation.

The [illegible] United States Commission rejecting this case [illegible] the application of the claimants

to be enrolled as citizens of the Cherokee Nation is denied."

Indorsed on back: "30C No.7 Joanna Barber et al vs Cherokee Nation, Final Report of Special Master, Filed August 17, 1897, Jos A. Winston, Clerk."

Foregoing papers in Joanna Barber case enclosed in jacket indorsed: "90 Joanna Barber et Vs Cherokee Nation."

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"NOTICE.

30C

UNITED STATES OF AMERICA)
INDIAN TERRITORY (SS
NORTHERN DISTRICT.)

In the United States Court for said District.
In the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation.

To the Commission to the Five Civilized Tribes.

You are hereby notified that an appeal has been taken in the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said Court to transmit at the earliest time practicable to said Court, at Muskogee, Indian Territory, a transcript of all the entries made in the docket of your tribunal relating to the case, together with the depositions and testimony taken before said tribunal; the decision thereof on the application, and all original papers relating thereto.

Witness the Honorable William M. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 2nd day of Dec. 1896. A.D. 189—.

(SEAL) (signed) J. A. Winston, Clerk."

Indorsed: "No. 1864 Joanna Barber et al vs Cherokee Nation, APPEAL ORDER OF U. S. COURT."

Foregoing paper enclosed in jacket marked: "No. 1864."

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BY MR. HUTCHINGS:

We now introduce the original record in the citizenship case of Irene J. House, et al., before the Commission in 1896, the court number of same being 23C. said case being denied by the Commission; appealed to the United States Court, and the decision of the Commission affirmed.

In this case we desire to call especial attention to the certified copy filed therein of the testimony of Arthur Baker, the certified copy having been made in 1894, being the testimony of Dr. Baker in the case of Robert Dawson against the nation, number 108, before the Citizenship Commission, and which was made January 10, 1898.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The papers in Court No. 238, just introduced above, are as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19, 1882.

No. 108.
Robert Dawson et al) Exhibit C.
vs (
Cherokee Nation.)

Testimony for Claimants.

Witness, Dr. Arthur Baker sworn testified as follows:

My name is Arthur A. Baker I reside at Berryvill Arkansas Carroll County. My age is 73 years I am not a Cherokee. I lived in the Cherokee Nation about three years. When I first came to Arkansas I have been acquainted with him since he became a citizen of Carrolls County some 35 years - At my Mothers house near Calhoun I became acquainted with the claimants Robt Dawson grandmother on mother's side she was frequently at my mothers house though she Anna Pruet lived in the Nation side; She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee, the first time she brought the claimants mother to my mothers house she the mothers mother was about grown when I was a little boy. She called her daughter Polly Rogers, Said Captain John Rogers who ran a Boat up the River was the father of the child; I saw the girl frequently there at my mothers and there at Louis Ramses Store.

I saw her occasionally until I was 15 or 16 years of old and I think then Old Capt. John Rogers took her off to school, I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson, I stayed all night there and we and I had a talk over our old matters and I asked her where she became acquainted with Dawson and she said at the time she was going to school and she said after she left school that Dawson followed her home, to the Nation and they were there married. I have told that precisely in the words that she used, Capt John Rogers claimed to be one fourth Cherokee. The claimant is the son of Polly Rogers, and I know Polly Rogers to be the daughter of Anna Pruett and I know the claimant to be the son of Polly Dawson.

Capt. Rogers then resided in the Cherokee Country about twenty (Word "twenty" marked through) twelve miles below Calhoun on the Hiwassee River. Anna Pruett resided in the Cherokee Nation as long as I stayed there the Dawson when I got acquainted with them Arkansas were recognized where they were as Cherokees. Robert Dawson children is Buck, John, Marian and two girls. The children named in the petition I recognized as being the claimants.

Question by Solicitor:

Qo. 1 How many children did Polly Rogers have?
Ans. 1 Five I think that's all
Qo. 2 Did you say so that the claimant was married one or twice?
Ans. 2 The claimant was married twice.
Qo. 3 Could Anna Pruett read Cherokee?
Ans. 3 Yes, she could read and write

Ques 4 Did Polly Rogers speak Cherokee?
Ans. 4 She did when a o was young.
Ques 5 How far did you live from Anna Pruet?
Ans 5 Just across the river about 3/4 of a mile.
Ques 6 Was Calhoun in the Cherokee Nation?
Ans. 6 It was on both sides of the river part in the Nation and part out in the state.
Ques 7 Which Marriage was it went to Texas?
7 George went first, then John went, they were the sons of old man Marriage, that lived up near the line.
Ques 8 Did the Claimant go to Texas?
Ans. 8 No the Claimant did not go to Texas.
9 What connection was claimant and Polly Rogers?
9 The Claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.
10 Where does claimant now live?
10 He lives in Carroll Co Arkansas.
11 Do you know what relation old Capt John Rogers was to Charles Rogers here in Cooweescoowee?
11 They claimed kin but what kin I dont know there were two Capt John Rogers in the Nation I ar speaking of the time when I first come to this country about the year 1830.
12 Was Anna Pruet the maiden name of claimants grandmother
12 Yes that was her maden name the Indian called her Sinee

his
(signed) Arthur x Baker
mark

Witness hand paralyzed is the reason why he signed by a mark this x

I R T Hanks Assistant Executive Secretary do hereby certify that the foregoing document is a true and correct of the riginal as appears of record in the Executive Department of the Cherokee Nation.

Given under my hand and the seal of the Cherokee Nation on this the 5th day of December 1894.

(signed) R. T. Hanks,
(seal) Asst Exec Sec.

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"To the Honorable the Dawes Commission on Citizenship in the Five Civilized Tribes in the Indian Territory:

Your petitioner, Irena J. House, undersigned, respectfully states that she is a Cherokee Indian by blood, as asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That she derives her said Indian blood from Joannah Barber he rother, who is a Cherokee Indian by blood The said Joanna Barber being a daughter of Elizabeth Petty who was the daughter of Polly Rogers and Samuel Dawson, the said Polly Rogers being the daughter of Captain John Rogers and Anna (alsy Vann) Pruet, Cherokee Indians, as shown by a certified copy of the affidavit of Dr. Arthur A. Baker, which is hereto attached as Exhibit A also affidavits marked exhibits B C and E

Your petitioner states the above facts as the lawful grounds for her application for citizenship in the Cherokee

Nation, and prays that her claim may be fully investigated by your Honorable Commission and that she be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 34 years. My Post Office address is Talala, Ind. Ter. My family consists of the following named persons: My husband and children as follows:
W. J. House, aged 34 years; Chas. O. House, aged 9 years; Winson T. House, aged 8 years, Anny M. House, aged 5 years.

WITNESS my hand this 19 day of August 1896.
(signed) Irene J. House.

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Northern Judicial
District, Ind. Ter. SS.

Personally appeared before me, the undersigned authority, Irene J. House, to me known to be the petitioner in the above petition, who being by me first duly sworn upon her oath says that she is the petitioner in the above petition, that she has read (or heard read) the said petition and that the facts stated therein are true, as she verily believes.
(signed) Irene J. House.
Subscribed and sworn to before me at Talala, Ind. Ter. this 19 day of August A.D.1896.
(signed) J. Barricklaw,
Notary Public, My commission expires
(seal) June 8 1899."

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"Exhibit A.
Northern Judicial Division,
Indian Territory.
Joanah Barber being duly sworn according to law. on oath states My name is Joanah Barber I am 61 sixty one years old My Post office address is Watova Ind Ter- My husband occupation is farmer I am a Cherokee in Cooweescoowee Dist I am a Cherokee Indian by blood my mother being Elizabeth Petty (nee Dawson) Daughter of Samuel Dawson and Polly Dawson (nee Rogers) and said Polly Rogers is a daughter of Capt Rogers and Anna Vann (nee only called Alsey Vann) the following Irene J. House is my daughter; she was born in Williamson County, Texas May 13th 1863, moved with her husband children to the Indian Terry and settled near Talala I Tery
(signed) Joanah Barber
Subscribed and sworn to before me this 19th day of Aug.1896.
(signed) J. Barricklaw,
Notary Public, My commission expires
(seal) June 8 1899

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"EXHIBIT B.

Indian Territory,
Northern Judicial District ss.
F. M. Dawson being duly sworn according to law deposes and says:

My name is F. M. Dawson; I am 54 years of age; My post office address is Afton Indian Territory I am a farmer by occupation a d reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my grandmother whose maiden name was Polly Rogers through my father Robert Dawson, My grandmother Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee. My grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1838 and settled in Western Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory, Robert Dawson, the father of the affiant was also a recognized citizen of the present Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson father of this affiant and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of said Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers The said Elizabeth Petty was the mother Of Joanna Barber who is a full cousin by blood of this affiant in the Indian side. The said Joanna Barber is the mother of Irena J. House nee Barber she is a second cousin of this affiant in the Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and drew their per capita money all the last payment; said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, derives her Indian blood and right.

This statement I have made to John H. Koogler, a Notary Public at Muskogee Indian Territory and it has been written down by him at my dictation. Such part of this testimony which refers to matters occurin; previous to my recol ection I know by means of family history and traditions which facts I have always been taught and told of by my parents and grand parents from childhood up, ta facts stated as occuring since my childhood I know of my personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irena J. House for citizenship in the Cherokee Nation.

(signed) F. M. Dawson."

"Indian Territory,
Northern District.

I John H. Koogler, hereby certify that the annexed and foregoing statement and affidavit was dictated to me by F. M. Dawson and was subscribed and sworn to by him and was written by me from his oral statement at my office in Muskogee Indian Territory this 14 day of August 1896, and I further certify that the said F. M. Dawson is personally known to me and that he is a creditable person and entitled to belief.

(seal) (signed) John H. Koogler,
Notary Public."

Northern Judicial District,
Indian Territory.

EXHIBIT D.

E. Dawson, being duly sworn according to law on oath states: My name is E. Dawson; I am 61 years old; my post office address is Talala, Ind. Ter. I am a farmer by Occupation, and reside in Coowescoowee District- Cherokee Nation. I am a recognized Cherokee Indian by blood, and exercise all the rights and immunities of a Cherokee Citizen now living in the present Cherokee Nation. I was born in Carroll, County Arkansas near Berryville. I derived my Cherokee Indian blood from my Grandmother Polly Rogers through my father, Robert Dawson. My grandmother Polly Rogers was a Cherokee Indian and was married to my grandfather Samuel Dawson in the old Cherokee Nation in Tennessee. My Grand Parents, Samuel Dawson and his wife Polly Dawson whose maiden name was Polley Roger came West from the Old Cherokee Country in about the year 1832, and settled in Western Arkansas, and later came on to the Cherokee Nation. My father Robert Dawson was a recognized member of the Cherokee Nation when he died, by reason of his Cherokee Indian blood.

The said Robert Dawson, the father of this affiant, and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of the said Samuel Dawson and Polly Dawson his wife she being the same Polly Rogers as aforesaid. The said Elizabeth Petty was the mother of Joanah Barber who is a full cousin by blood of this affiant on the Indian side, the said Joanah Barber is the mother of Irena J. House, whose maiden name was Irena J. Barber and a second cousin of this affiant on the Cherokee Indian side. This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians of the present Cherokee Nation and exercise all the rights and privileges of such Cherokee citizens, they having drawn their shares of the Strip Money at the last per capita payment made by the Cherokee Nation.

Said citizens and relatives derived their Cherokee Indian blood from the same source, as did the above named Irena J. House.

I have made this statement before J. Barricklaw, Notary Public at Talala, Ind. Ter, and affiant further states that he has no personal interest in the prosecution of the claim for citizenship in the Cherokee Nation of the said Irena J. House.

That the above facts which are within the personal knowledge of the affiant or within his power of discretion he knows personally, and the other facts which depend before the recollection of affiant he testifies to as he has been taught from his family history and traditions.

That the relationship existing among all his people in the Cherokee Nation is what from his personal knowledge and that they are related to the Cherokee Indian side

(Signed) E. Dawson.

Subscribed and sworn to before me this the 12 day of August 1896

(Signed) J. Barricklaw.

Notary Public, My commission ex pires June 3, 1900.
(Seal)." Notary Public.

"Cherokee Nation,
Coowescoowee District. EXHIBIT E.

Before me the undersigned authority this day, personally appeared W. A. Dawson who is to me well and personally acquainted, and after being dewly Sworen; deposeth and says, that he is well acquainted with Irena J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of Joana Barber, who is a neice of Robt. & James Dawson, who are both Cherokee Indians and recognized citizens of the Cherokee Nation.

Affiant further states that Irena House is the grand daughter of Mrs. Petty, who was a full sistar of Robt & James Dawson.

Affiant further says that he knows that Irena House is a lineal descendant of Annie Dawson whose ~~children~~ (line drawn through word "children") sons, Robt & James before spoken are recognized citizens.

Affiant further says he has no interest in this suit.

(signed) W. A. Dawson.

Sworn and subscribed to before me this 17 day of August 1896.

(signed) William Lynch
Notary Public.

(Seal) My term expires Feb 6 1900."

Foregoing indorsed on cover as follows:
"No: 2099 5464 Before the Dawes Commission on Citizenship in the Five Tribes. Irene J. House V.S. The Cheroke Nation. Petition and Proof, Will E. Linton, for Petitioner. Filed Sept 8 1896 A. S. McKennon, Com'r. Denied. Filed Feb 26 1897 Jas A. Winston clerk."

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"Received of W. M. Jacoway, jr., Secretary to the Commission to the Five Civilized Tribes the original papers in the cause of .... vs..... Nation, as follows..... Witness my hand and of icial seal at Muskogee this the 26 day of Feb' 1897 J. A. Winston, Clerk."
(Seal)"

Indorsed: "Court No.238 No. 5464 Receipt for original papers in the case of Irena J. House vs. Cheroke Nation, Received and filed this ..... day of..... 189..."

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"Irene J. House et al,
vs. No. 238
Cherokee Nation.

Mr. N. A. Gibson, Special Master to whom this case was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSCOGEE.

IRENE J. HOUSE ET AL

VS # 238 REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION.

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I, N. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings on file in this case which are made a part of this report, and that I find as follows:-

I

That this case is in reality a branch of Case No. 90, Joanna Barber vs Cherokee Nation, the principal claimant herein being Irene J. House a daughter of Joanna Barber.

That this cause was instituted on September 3, 1896 at which time application was made to the Commission to the Five Civilized Tribes for citizenship by blood in the Cherokee Nation.

That this case was tried by the said Commission on November 24, 1896 and the applicants denied, no reasons being given for the decision, and that on January 20, 1897, the parties appealed from said decision to this Court.

That this application was made by Irene J. House, her husband, W. J. House, and their children Chas., C. Winston T., and Henry V. House. That they file in support of their application the affidavits of Joanna Barber, F. P. Dawson, Arthur A. Baker, E. Dawson, and W. A. Dawson. That these Dawson witnesses are citizens by blood of the Cherokee Nation, and state that they are related by blood to the claimants herein on the Cherokee side. The claimants base their contention of a right to Cherokee citizenship upon the fact that the claimant Irene J. House is the daughter of Joanna Barber, who is the daughter of Elizabeth Petty, who was the daughter of Polly Rogers, and that Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann, who were recognized Cherokee citizens by blood. That the testimony shows that this Dawson family are recognized citizens of the Cherokee Nation, and that the claimants herein are counting upon the Indian blood that they all claim through a line of ancestor, Polly Rogers and Captain John Rogers and Ailsey Vann, who were all recognized Cherokee Indians.

II

The objection introduced in defense is a record of the application of these claimants to the Cherokee Commission on Citizenship in the year 1896, and the record of the rejection of the claimants, and further the affidavits of W. S. Rogers, and Mrs. Sarah Carter, a grand daughter both of whom state that they never heard of any daughter of Captain John Rogers by the name of Polly Rogers, and that he had only one daughter, whose name was Cynthia.

III

The Claimants contend that they are recognized by the Cherokee Nation and are relatives of [illegible]

recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name does not appear on the rolls of the Nation, and that neither he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

IV

The premises considered, I find that the claimants are the descendants of Captain John Rogers, and that it was entirely possible that in the condition of arrairs at that early date in the Cherokee Nation, especially owing to the absence of a marriage law and of records pertaining to marriage, that these claimants should be the descendants of Captain John Rogers by a daughter, Polly Rogers, of whom the affiants for the appellee may never have heard.

I find that the claimants are residents of the Cherokee Nation, Indian Territory, where they have resided since 1887, and that they are Cherokee Indians by blood.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted, this 9 day of Nov 1897.

(signed) N. A. Gibson,
Special Master.

My fee paid,
No Exceptions filed."

Foregoing papers indorsed on cover as follows: "238, Irene J House et al V Cherokee Nation Final Report of Special Master, Filed Nov 10 1897 Jas A. Winston, Clerk."

Foregoing papers enclosed in jacket indorsed as follows: "238, Irene J. House, et al vs. Cherokee Nation."

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BY MR. [illegible]

[illegible] close for the present

TESTIMONY INTRODUCED ON BEHALF OF THE APPLICANTS:

D. [illegible] being first duly sworn, and being examined, testified as follows:

BY MR. [illegible]

Q Please state your name, age and residence? A My name is D. W. C. Duncan, my age is [illegible] years, my residence, Vinita, Indian Territory.
Q Are you a duly [illegible] citizen of the Cherokee Nation by blood? A I am.
Q You gave testimony in this case once before did you not, before the Dawes Commission? A I did.
Q Before this Commission I will say, this Commission? A The Dawes Commission? I don't recollect who the Commissioner was, that was the [illegible], ex parte.
Q Were you [illegible] connected with the Cherokee Citizenship Commission[illegible] as the "Tahlequah Commission"? A I was Clerk of that Commission.

Q For what length of time? A I don't recollect the exact length of time, I think it was about thirty days, during the continuance of that Commission, existance of that Commission.
Q You were the only clerk it had during its existance were you?
A I think I was.
Q You were Clerk of that Commission when it rendered a decision in favor of Robert Dawson et als, as found on page 114, of its record, numbered 108 (witness examines record referred to.) now in the possession of this Commission? A I was.
Q The members of that Commission were the same as shown by the signatures to this judgment were they? A The same, yes, sir.
Q Thomas Tehee, President of the Commission, Alex Wolfe and T. F. Thompson, Commissioners, that is correct, is it? A That's correct.
Q Were you present when this case was under consideration by that Commission and when it rendered this judgment in the case? A I was.
Q Were you at that time acquainted with R. M. Dawson, commonly called "Mud Dawson", Campbell Taylor and Samuel H. Benge, who were attorneys, who were Cherokee attorneys at that time? A I might say that I merely knew Mr. Dawson; all I know of him was I saw him there as a party to the suit. I know Mr. Taylor and Mr. Benge more extensively; I have known them a number of years.
Q They were recognized Cherokee citizens were they? A They were.
Q Was Taylor not known generally as a Citizenship Attorney?
A I think he was.
Q Do you remember seeing him and Benge present at the time this case was under consideration by the Court? A Why I do not recollect seeing Mr. Benge, I cannot recollect, but I can recollect of seeing Mr. Taylor about the Court room now and then.
Q Do you know who submitted the case to the Court for the applicants? A Let me understand the meaning of that; who brought the case?
Q Who called up the case? A No, I don't recollect.
Q Do you remember whether that Commission rendered any other decision than that found upon this record in that case? A I never had any knowledge only but one decision.
Q Was that in favore of or against the applicants? A It was in favor of them; I will say this: that if there was another decision other than the one that appears on the docket now before you, I have no recollection of it.
Q The only decision you have any knowledge of was recorded by you in this book as here shown was it not? A That is the only one that I have any knowledge of.
Q Did Mud Dawson pay you any money in connection with that case?
A He did not.
Q Did he ever promise to pay you any money for your influence with the Court in that case? A Never.
Q Or paid you any money, either directly or through any other person? A For my influence in that case?
Q Yes, sir? A Never.
Q Did you have any knowledge of his having paid to the Court or to any member of the Court any money for the purpose of influencing their judgment in that case? A None whatever.
Q Did you have opportunity of observing his conduct during that Court at the time? A The only opportunity that I had was during the session of the commission; I saw but very little of him during the recesses of the commission; now and then I would see him in passing.
Q Did you see anything in his conduct toward that Court which indicated [illegible] used undue influence in procuring that judg-

mont? A I never remember anything of the kind; nothing that reckoned a remission in my mind that he was crazy in that kind of practice.

Q Did Campbell Taylor at any time after the rendition of that judgment pay to you any money as coming through him from Ned Dawson for any services you had rendered to him in that court

A Yes, he paid me some.

Q What amount? A My recollection now that, I think it was a twenty-dollar bill, I don't know but I had better go and state the transaction, all about it.

Q Yes, sir. A Mr. Dawson, Ned Dawson, during the trial of the case occasionally applied to me at my desk for writing paper, issue of a statement of testimony, something of that kind; I always treated him with courtesy and proper official consideration. He seemed to appreciate it, and whenever I did services of that kind to him, says he, I have no money, Mr. Duncan, but I feel as I ought to pay you. I told him I made no charges for work of that kind. And in speaking I might state that I never received a cent for any kind of that work which I had been in the habit of doing for various parties before the Court.

After his trial was concluded, in the afternoon a little while before supper I went to my hotel, the National Brick Hotel in Tahlequah; went to my room, felt a little tired, laid down upon the bed to rest. I recollect it. Duncan stepped into the room, drew a chair up to the bedside and sat down and commenced giving expression to his gratification at the success of his cause, dwelling mostly upon the testimony in the case being so satisfactorily establishing his Cherokee blood, and that he thought that he was entitled and that he had received justice by the Court. I listened to him, and we talked there I guess some ten or fifteen minutes; after a little he says, I must go to-morrow, I think he says to-morrow, I must go home,- he then lived down in Arkansas somewhere. Says he, Mr. Duncan, I believe I owe you something, ought to pay you something. Alluding, as I understood, to these little courtesies that I extended to him at my desk. Says I, I make no charges, Mr. Dawson, for services; if I have done you any good you are welcome. Well, says he, I feel indebted to you, I ought to pay you. I says, that makes no difference; I will leave that to you. Says he, I have hardly enough money to get back home. He shook my hand, and in last word he says to me, you shan't lose anything for your kindness to me; I thought he had reference to my services at the desk. That was the last I saw of Mr. Dawson, as it must have been a year afterwards; I had located a little claim on the public domain up there in Delaware District, staked off what I intended to be a farm, merely stakes, I didn't make any other improvements, over there on Horse Creek. Went over in that part of the country to look after my claim, and I ran across Mr. Dawson, he had come into the country and located and built him a little shanty and was living in it; I called upon him, he was very glad to see me; I asked him what he was doing there; he said he had moved into the country, and I told him, says I, you are encroaching upon my herd; he had spread his claim over part of mine, mine had been made so long it was outlawed under Cherokee law. Well, says Mr. Dawson, I don't feel like doing you any wrong, I will pay you for your claim, and we will settle the matter in that way, that he as soon as he got his little matters together that he would actually pay for it. Well we parted at that point. It ran on that for a long time, I don't know how long,- I think I met him in Vinita, and says he, did Camp Taylor pay you any money that I sent to you? Says I, No, I have not seen Camp Taylor.

Well, says he, I gave him some money and told him to hand it to you for me, and, says he, you ask him and he will hand it over to you I guess. Well we parted then. Well, went on for some time, some months; I happened to meet Mr. Taylor in Tahlequah; I met him on the street I think, jocularly I slapped my hand on his shoulder, says I, look here, did Mr. Dawson any money to me by you? He says, yes, and he pulled out that I recollect to be a twenty dollar bill, and handed it to me: I received it, and I received it with the idea that he was compensating me for taking my claim, or possibly for doing him those little services in the Court. Now that is the sum and substance of the whole thing.

Q Was not that twenty-five dollars, Mr. Duncan? A It might possibly have been, my recollection does not serve me exactly, it might have been 25 dollars.

Q Did Campbell Taylor pay you any other money as coming from Bud Dawson? A Never a cent.

Q Did he at one time pay you fifty dollars out of a hundred dollars which he had received from Mr. Dawson? A Never.

Q Did he on a second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson? A None at all.

Q He paid you no other money than that you have already stated, from Mr. Dawson? A Not a cent.

BY MR. McKENNON: We offer in evidence the judgment of the Cherokee Citizenship Commission before referred to, and ask that it be filed in evidence in the case of every application made by members of the Robert Dawson family who claim under it, or through Robert Dawson, as citizens of the Cherokee Nation, said judgment being found on page 114, Records of the Tehee Court, 1880 to 1884, case number 108, judgment dated January 11th, 1883, signed by Thomas Tehee, President; Alex Wolfe, T. F. Thompson, Commissioners. D. W. C. Duncan, Clerk Commission.

The said judgment just introduced is as follows:

"Office Commission on Citizenship,
Tahlequah, C. N., September 24th, 1881.
No. 108
Robt Dawson,
Elbert Dawson,
Jasper Dawson,
John Dawson,
Josephine Dawson,
Joseph Dawson,
Jane Dawson,
Molly Dawson,
Wilbron Dawson,
James Dawson,
Rial Dawson,
vs.
Cherokee Nation.

Petition for Citizenship

Continued by the Plaintiff, Oct. 5, 1881.

January 15th, 1883.
The above case continued by the Cherokee Nation till next.

term. Agreed by the parties that the above shall not be taken up for final disposition before the 4th day of Oct. 1882,

December 4th, 1882

It is agreed by the parties that this shall be finally disposed of at the next January term if the claimant is present defending the case, if not, the case shall be then continued to the September term, 1883.

On the agreement Commission continues the case till the next January term to-wit, January 1883.

And now this the 11th day of January A.D. 1883 this case coming on for final hearing, and all the evidence produced in the case being carefully read and duly considered by the Commission it was adjudged and determined by the Commission on Citizenship that the claimants, Robert Dawson, F. H. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Holly Dawson, Wilbron Dawson, Jesse Dawson, and Rial Dawson, are Cherokees by blood; and that they are entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they are, hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

(signed) Thos. Tehee,
President of Com.

E. C. C. Duncan,
Clerk of Commission.

Alex Wolfe,
T. J. Thompson,
} Commission-ers.

Transcript entered to claimants, January 11th, 1883,
(signed) E. C. C. Duncan, Clerk.

Marginal Note: "Case submitted by Claimant January 11th 1883. Case submitted by Solicitor January 11th, 1883."

Q Do you remember how many members of the Court were present when this judgment was rendered, or were all of them? A My recollection upon that point is not positive, but from my statement upon that I know to be the practice of the Court at the time, seeing the names of all these Commissioners there, I can say with a great deal of positiveness that they were all present, because I never signed the name of one of the Commissioners unless he was present, assenting to it or directing it.

Q The rendition of that judgment then was concurred in by all of the three judges? A It was.

Q Mr. Duncan, if there had been a decision rendered the day before in this case while the Court was in session, adverse to these Claimants, would you have known it? A I certainly should have known it.

Q Was there any such decision of the Court? A None to my knowledge. I can say positively there was not.

Q How many of those judges are now living? A Only one.

Q Which? A Mr. Thompson.

Q Tehee and Wolfe are dead? A Tehee and Wolfe are dead.

Q How long have they been dead, do you know? A I do not know, quite a number of years. I wasn't living there, never lived near them when their death occured, and their death occurred perhaps a long time before I was apprised of it. I have seen it stated that they are dead.

Q Do you remember to have seen any writer, either of the Dawson family about the Court at that time than Mr Dawson? A I have been thinking, and I don't call to mind that I ever saw any other Dawson except Jud, until after they left this country subsequent to the rendition of the judgment.

(At this point a party who has been sitting in the room in which the examination is being held, is called forward, sworn on behalf of applicants, and asked to retire until called.)

BY MR. HUTCHINGS:

Q Mr. Duncan, when did you become clerk of the Rehoboth Commission Court? A It must have been somewhere in December, 1864, at the time the Commission was organized initially at the close of the Council in which they were appointed.

Q December 1864? A I think so.

Q What are you doing rendering judgments here in your handwriting in 1863? A The Commission held its Court after they were elected sometime.

Q The Court was elected in 1861 wasn't it? A Well, I mean the time, I don't pretend to say when the Court was elected, I might have said at the time I was chosen clerk. I was chosen clerk just at the close of the session of the National Council of that year.

Q '84? A I think it was '64.

Q You entered up this judgment rendered January, 1863? A Yes, that was the session of the Commission.

Q That was before you were clerk of it? A Well I held my clerkship for some time you know continuously.

Q Well but when you came to enter it you were heir clerk when the Dawson case was passed on? A No, I don't mean to say that.

Q How could you be clerk when the Dawson case was passed on in 1863 when you were not elected until 1864? A I am mistaken in that, '64 comes after '63,- it was the year preceding 1863, it must have been '62.

Q Your first entry in the Dawson case is January 13, 1863, isn't it?

Q I don't recollect what my first entry was. (Attorneys show the record to witness) Yes, that is the entry there on that day.

Q And that was shortly after you became clerk wasn't it? A Yes, shortly after I became clerk.

Q The case had been entered upon the docket before you became clerk? A I think so, yes; It was entered at the previous term of the session of the Commission.

Q In whose handwriting was the names of the three Commissioners signed to that judgment? A Dawson Judgment?

(Attorney shows record to witness again) A That is my handwriting.

Q All three names? A All three names.

Q The record there shows that you immediately gave them that day a transcript of the judgment, do you know who signed that? A I signed the transcript?

Q Yes, sir. A I do not recollect now, this is, did the writing?

Q Signed the names to it? A Yes, that's it.

Q You always signed the names of Tahoe and Fales didn't you? A I think I did pretty generally: I don't like to let strangers write their own names.

Q When Mr. Thompson was there didn't he sign his own name? A Sometimes he did, sometimes he simply authorized me to do it.

Q Have you any recollection of him authorizing you to do it except from the fact that you have done it on that record frequently? A I don't recall the particular time of authorization, but I can say positively that, consulting the record, that he authorized me to sign the names there.

Q Will you look at the original transcript hereby shown you and referred to in the judgment and say who signed the names of the Commissioners there? A (Papers shown to witness) A I signed them there.
Q You recognize that as your handwriting? A I do.
Q What made you when you were testifying at Vinita before Mr. Martin, on looking at the two signatures, and being cross-examined by me, say that it was not your signature and that the signature thereto attached was the signature of Mr. Thompson? A Occurred in this way: I had not been any of the records in the case for about nineteen years. The exact transaction in the court had vanished almost entirely from my memory; I recollected at that time, however, when I gave in my testimony before the Commissioner, Martin, that that was a practice of the Court at the time I served by which I signed the names of the full-blood members of the Commission, and Mr. Thompson either uniformly or occasionally signed his own name. I based my statement in that deposition upon my knowledge of the rule or practice in the Court, without comparing the docket and refreshing my memory. I made an incorrect statement when I said that that was not my handwriting: I am convinced now that it is my handwriting. That is the way it occurred, the way it happened.
Q Then you consider your recollection of the fact that Thompson when he was present and rendering a judgment signed it himself, better than your own knowledge of your own handwriting?
A No, I didn't so regard it. I simply spoke without advisement when I gave in that testimony; I subsequently became better informed and concluded that that was my handwriting and not entered by Mr. Thompson under the rule, but was one of those cases in which he authorized me to do it myself, and I did it.
Q Then you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and not from the fact of your judgment on your handwriting at present? A I simply corrected my testimony in reference to my statement in regard to this handwriting, this case.
Q And you wouldn't know then as I understand you whether or not that is your handwriting if it was not refreshed by what you consider to be exterior facts? A I should know it by examining it and thinking over the circumstances, I think I should recognize my own handwriting, but if a question should be propounded instantaneously without any advisement or reconsideration I might make a mistake.
Q You did recognize the names of Thomas Tehee and Alexander Wolfe as being in your handwriting at that time? A I was very clear and positive, and so stated, that the names of those Commissioners were in my handwriting, and I was made certain by reflecting on the rule that they never signed their names with their own hand, but always authorized me to do it. Hence there is no question in my mind in regard to my handwriting in their signatures.
Q And then the third name, right under it, as compared with your admitted handwriting, you had to wait and learn the facts afterwards to determine whether that was your signature or not? A No, I don't think that if I had considered the circumstances, I knew what there was a resemblance; what I did do of the opinion that that might have been Mr. Thompson's signature was like this: I knew that he had been in the habit of at least sometimes signing his own name, and I was under the impression-and I do not now think I am much deceived- that his chirography to a at least some resemblance to my own, hence I doubted whether I had signed that name or not on that account.

Q You were asked somewhat at that time in your testimony by the fact that Mr. Thompson said more that that was his handwriting, but not yours, didn't he? A Mr. Thompson is stating that that was my handwriting, but my time to vary to ascertain whether I was not right or not, and after so long a time I concluded that I was.

Q And he stated, as you too didn't you, that he always signed the original bill when he was present? A I do not recollect that I stated that I used the word "always", at that time, but at the time I was examined when the deposition was taken my impression was that he did, but when I come to reflect and examined the docket I was convinced that I was wrong, that occasionally I signed for him.

Q Then you never knew at that your testimony given something like a year and a half ago was wrong until you examined the docket day before yesterday, which proved you are wrong? A I don't know that I have thought of it since that time until yesterday or day before the examine the docket.

Q Now the only recollection that you have got and the only aid to your recollection that Thompson was present when this judgment was rendered was the fact that you and he had signed to it, in your handwriting, is it? A As a fact,-

Q You can answer that yes or no? A That seeing the handwriting aids my recollection and I recollect now that the commissioners were all present at the time that I signed it. I didn't their names out of court at all.

Q Was it in the forenoon now or in the afternoon ? A I don't recollect whether it was in the forenoon or afternoon.

Q In recollecting that they were all present when the record was signed, do you mean to say that they were all present when the judgment was rendered? A Yes, that is, you mean when the question of admission or rejection was voted upon?

A Yes. A They were present.

Q Did you write up the record at the time that they rendered the judgment, or make a memoranda or it, and then write up the judgment some days afterward? A The record was not written up immediately upon the decision of any case, but I wrote up the record after adjournment, generally in the evening, and presented it next day or when the next session was had, for signature; that was the practice.

Q But in this Dawson case you wrote it up the very day that it was rendered, didn't you? A I didn't recollect as to that.

Q And gave them a transcript the very day it was rendered?

A I don't recollect as to that.

Q And indicated the giving of the transcript on the bottom of the judgment the day it was rendered? A I should say it was given at the time of the transcript.

Q That was a very unusual thing for you to do in entering up judgments. A To do what?

Q To notice the fact that you had given a transcript the same day the judgment was rendered? A No, I dont' know that there is anything unusual about that.

A Other cases in that record or more than one in any event Q Have you ever done that? A I don't recollect, and so I don't know that I ever did anybody else a transcript.

Q What I am getting at: you gave them a transcript and had it signed and everything right away? A Pretty generally the decision, whether it was the same day or the evening and the next day, I don't recollect.

IT NOW BEING THE HOUR OF NOON, 12 M., THE COMMISSION ADJOURNS UNTIL HALF PAST ONE P. M.

AFTERNOON, TIME: 1:45 P. M.,-APPEARANCES,-same as in forenoon. Mr. D. W. C. DUNCAN heard on the stand.
BY MR. HUTCHINGS:

Q Do you remember what witnesses were before the Court? A I don't recollect now distinctly except Dr. Baker, I was a bar distinctly because of the length of his testimony all the time it took to try it.
Q The Doctor was about the only distinct witness there was? A He is the only one now that I can call to mind.
Q There was probably another old darkey that testified was not there? A I have no recollection to that effect.
Q The case was just decided really on Doctor Baker's testimony, he is about the only man that knew anything about the case? A I am not certain but Dr. Baker was the only witness; might have been others that has now escaped my recollection.
Q Doctor Baker's testimony was taken down in writing? A Yes.
Q There was not anybody else testimony taken down in writing was there? A All the testimony that was accorded in the case was taken down in writing.
Q Did you ever see anybody's else testimony in writing except Dr. Baker in that case? A That is not as I recollect, I can't recollect any other but Dr. Baker's.
Q You know whether same was taken immediately before the trial or at the trial or how was it? A It was taken in the presence of the three Commissioners during the session of the Court.
Q You mean the day that the case was decided or how? A I do not recollect whether the case was on trial more than one day, but my impression is that it was.
Q Do you know whether it was the same term of the Court or not? A I think it was the same term of the Court.
Q How many terms a year did that Court have, when and how did they last? A I don't recollect of but serving one term.
Q Don't recollect the serving but one term? A Myself, it seems to me so.
Q You didn't go in until January of 1888 did you; your first record is a record of about the 15th of January 1888, as shown by the book, isn't it? A I don't recollect in that regard.
Q How would they take testimony in the case, then continue it, or how would they generally do about that? A I think they decided on the case at the term in which they took testimony.
Q Can you say whether or not this testimony was taken in the case at the time it was decided or at the term it was decided, or within a week or two of the time it was decided? A My own recollection is that it was taken at the term in which it was decided; case was taken up, testimony heard that the decision was made at the conclusion of the testimony.
Q Well now, I see on October 4th, 1888, an entry, the following entry reads: "It is ordered by the Court that this cause finally be continued at the next January Term," I would be inquire, 1889, "If the plaintiff desires to be heard, if not, the case shall be continued to the next term, 1889; it is then upon the Court rises continued to the 4th Monday in January term, 1889." Now that I read that to you does it

January and a September ter ; and this decision was rendered at the January, 1903 term. Was Baker's testimony taken during the January, 1903, term, at the time this decision was rendered? A I find it impossible for me to recollect those facts that are recorded there: although I can say about that, that the record shows the correct statement of the facts: but I can't recall those facts.
Q Well there is a record here that this case was continued on the 15th day of January, 1903, upon agreement that it should be taken upon the 4th day of October, 1903: your record shows that there was nothing done in the case from January 15th, 1903 until October 4th, 1903: would you say that was correct? A I should say it was correct if it so stands on the book: it is designed to be a correct entry of the facts.
Q I will let you see the book for yourself: I don't want to misrepresent your end of it at all. (Shows entry in book to witness.)
A I can't recall those facts in regard to the agreement.
Q Who took down the testimony of the witnesses in court? A I took it down.
Q You took down the testimony of Dr. Baker? A Yes.
Q He was cross examined by counsel for the Nation? A As to that I don't recollect. He was present, he was always present: I think likely he was cross examined.
Q And that testimony was taken at or near the time when the judgment was rendered in January, 1903? A I think it was, my impression is to that effect.
Q Well the court seems to have had no session as to this case from January 15, 1903 up to October 4th, 1903, according to the record? A (No response.)
Q You don't recall taking down anybody's else testimony in the case? A No sir, I don't.
Q And the probability is that he was the only witness examined isn't he? A It might have been so. My recollection is that he was regarded as the main witness of the case.
Q He was quite an old man, about 77 at that time? A Yes, he was quite old.

BY MR. McKENNON:

Q The testimony of Dr. Arthur Baker, from this record, appears to have been taken January 15th, 1903: is that correct as far as you may know, or are able to state? A Is that Dr. Baker's testimony? (Attorney here shows witness papers) A It appears to be, yes: I don't think that was the testimony that the case was decided upon, because his testimony was taken orally before the Commission, and I wrote it down: please let me see it. (Attorney hands said papers to witness.)
A Well, all I know about this is as I stated before, I can't recall those facts, but whatever the record says why I say that the record was made correct, according to the fact. (Witness takes copy of the testimony referred to to refresh his memory.) I don't succeed in reading that very clearly to my own understanding, but I gather from the subject matter in that testimony that it is in accord with Doctor Baker's statement: in exactly word for word I am not able to say, but that is the tenor of the testimony.

BY MR. HUTCHINGS:

Q In taking the testimony you endeavored to get down all the material facts that you could in taking it in long hand? A Yes, very nearly word for word, as I could write it, sometimes there was a little variation made necessary by the length of the witness' statement.

BY MR. McKENNON: Applicants object to all of the witness' testimony relating to the method of taking the test, any of witnesses at the trial, the character and effect of that testimony, and the number of witnesses, except as far as the same may be used for the purpose of testing the memory of the witness, because the same is incompetent, irrelevant and immaterial.

R. F. PORTNER, being first duly sworn, and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A R. F. Portner.
Q What is your age? A 54.
Q You are a physician are you not? A I am.
Q Where do you reside? A Vinita, Indian Territory.
Q Do you hold any official position in your position? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the Legislative committee of the Indian Territory and of the American Medical Association, those are some, and the most important positions I hold at this time.
Q Are you a Cherokee citizen? A I am.
Q By blood or intermarriage? A Intermarriage.
Q Your wife is a citizen? A Yes, sir.
Q Do you know R. F. D. Duncan? A I do.
Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.
Q Do you know his general reputation in the community where he resides for honesty and uprightness of character? A I do, I think.
Q Is that good or bad? A It is good.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A About six or eight years, don't know exactly how long I know of him for ten years and personally I have known him about six or eight years.
Q Do you know his general reputation for truth and veracity? A I do.
Q Is that good or bad? A It is bad.

BY MR. HASTINGS:

Q Dr. Is he a member of the same church you belong to? A Yes, sir.
Q And has for a number of years? A Well now I say I think he does; I have always so understood.
Q Don't keep up with all your members? A No, but he has attended church there and my impression has been that he is a member of the church.
Q You didn't have any business before the Citizenship Court of which he was clerk, did you? A No, sir, not that I know of.
Q You was not at Tahlequah while he was clerk of a Court from 1902 to 13? A I don't believe I was.
Q Never had any business before that Court? A Had no business before them, not while he was clerk to my knowledge.

BY MR. McKENNON:

Q You spoke of his membership in the church: he is in good standing as a member of the church is he? A Yes, sir.
Q I will ask you if Campbell Taylor's reputation isn't notoriously bad? A Yes, I have so understood it.

BY MR. HASTINGS:

Q I will ask you if it was notoriously bad in 1902, when those people employed him to represent them before the Court? A That was before my knowledge of him.

Q But so far as you know his bad reputation dates back so far as you know him? A So far as I know him.

G. W. MILLER, being duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A G. W. Miller.
Q What is your age, Mr. Miller? A 61.
Q Where do you reside? A Vinita.
Q How long have you lived there? A Well I have lived there altogether about 13 years I guess, or 14.
Q Are you a citizen of the Cherokee Nation? A No, sir.
Q What is your business? A Land estate and insurance agent.
Q Do you know D. W. C. Duncan? A Yes, sir.
Q How long have you known him? A I have known him twenty years.
Q Do you know his general reputation for honesty and uprightness of character where he lives? A Why yes sir.
Q Is that good or bad? A It is good, so far as I know.
Q Do you know Campbell Taylor? A Yes, sir.
Q How long have you known him? A Well I have known him 18 or 20 years, I guess.
Q Do you know his general reputation for truth andhonesty? A Well yes.
Q Is that good or bad? A Well, it is bad, I think.

ATTORNEYS FOR CHEROKEE NATION waive cross examination.

F. H. CURTIS, being first duly sworn and being examined testified as follows:
BY MR. McKENNON:
Q What is your name? A F. H. Curtis
Q How old are you, Mr. Curtis? A 66.
Q Where do you reside? A Afton, Indian Territory.
Q How long have you lived in the Indian Territory? A 20 years.
Q What is your business? A Lumber business.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A About 20 years.
Q You know his general reputation for honesty anduprightness of character in the community where he lives? A I do.
Q Is that good or bad? A As good as any man's.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A Some 20 years, I suppose.
Q Do you know his general reputation for truth and integrity and honesty? A Yes sir.
Q Is that good or bad? A Bad.
Q Is it notoriously bad? A Yes.
Q Did you ever known Dr. Baker, Dr. A. B. Baker, of Berryville, Arkansas? A Yes sir, I knew him in '68 and '69.
Q Where? A Over at Berryville; I ran a saw mill in that country at Berryville.
Q Did you know his general reputation so far as honesty and uprightness of character and truthfullness? A Yes sir.
Q Is that good or bad? A Good sir. Good as any man's; he is a good Christian gentleman.
Q Did you know him well enough to know his habits of life? A Yes sir.
Q Was he in the habit of taking liquor, drinking liquor? A Not that I know, of sir, I never saw him take a drink in my life.

Q You are a witness here to preclude any such charge against
him? A It is, yes sir.
BY MR. MORDINON:
Q How long did you know Dr. Bryant? A Ten years.
Q What sort of a man was he? A He was an old gentleman then; he lived
right at the edge of Jonesville, Mr. Mordy.
Q How old do you think he was then? A I think he must have been
65 or 70 years old; an old gentleman.
Q That is in 98 what, 1898? A Yes sir, it was in '88 and '89, the
two years that I lived there.
Q He had written for magazines? A Yes, sir.
Q Was he a man of culture? A Yes, sir.
Q Was he a man of truth? A Before I knew him I would say he
was, I was by reputation, with the old gentleman.
Q Do you say that Dr. Bryant was a man of truth? A No sir.
Q And his character was bad, was it, in the community as one of the
citizens was? A No sir, no sir.
Q Colonel Butler was a magistrate, was he? A Yes sir.
Q Do you ever know his character to prove when ever since
you ever knew his name? A Yes sir, I never knew much good of
him.
Q And whenever a man is indicted and arraigned under you, Colonel
Butler, it would be to your interest, would it not, to prove it
A Well, I don't know sir, I don't think it is that it
Q If prosecuting witness knew that they had a bad case they would
get him, if they could, out of court, or a bad plea to have Campbell
around it? A They would quite be right.
Q You [illegible] about Dr. Duncan's connection with
citizenship? A Yes sir, never did.
Q You never [illegible] any public record of the records of
citizenship? A No sir, never did.
Q You have [illegible] about this Dr. Bryant? A Yes sir.
Q Never heard [illegible] that somebody was doing something
wrong? A [illegible]
Q You never [illegible] you think? A I never heard him
accused of [illegible]
Q That was not all the time you were there, was it? A I never heard it
to the contrary. A Well I don't know but from the first day,
I have heard it for a good while though.
Q But you never knew who they tried it on? A No sir.
Q They have been a pretty strong family up there in that country
haven't they, pretty large family? A Yes sir.
Q And a good many voted up there? A Yes sir.
Q Did you ever know of the Doctor's testifying any in court, Dr.
Bryant? A No sir, I never did.
Q What would you think of a man who would testify that he knew a
girl that was single in 1885 when the youngest of her seven children
was born in 1883, what would you think, would you think that was a
statement to be made by a man who was truthful? A -
BY MR. MORDINON: Applicants object to the question because
it is wholly incompetent, and not based upon any proof or
withdrawn facts in the case, and it is wholly immaterial and in-
competent.
Do you think that was a statement that would be made by a truthful
man? (No response.)
Q You know him in '88? A Yes sir.
Q He was quite an old, decrepit man? A Yes sir, quite so, in
'88 '89.

Q 14 years from that time he was liable to be in his dotage?
A I don't know, he was an old man when I knew him.
Q He was too old to work, and retained his business then? A Well he did work a good deal, but wasn't doing any business particular that I knew of.
Q He would have been pretty old 14 years from that time? A Yes, he would be getting old.

B. M. HARRIS, being first duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A B. M. Harris.
Q What is your age, Mr. Harris? A I am 44.
Q What is your business? A I am publishing a newspaper.
Q What paper? A "The Indian Chieftain."
Q Are you Editor of that paper? A Yes sir.
Q You live at Vinita, then? A Yes sir.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A 12 or 13 years.
Q Do you know his general reputation in the community where he lives for honesty and uprightness of character? A Yes sir.
Q Is that good or bad? A Good.
Q Do you know Campbell Taylor? A Yes sir.
Q How long have you known him? A Why 15 years or longer.
Q Do you know his general reputation for truth and honesty in the community? A His general reputation, yes sir.
Q Is it good or bad? A Well it is not good.
Q Is it bad? A Well I suppose it must be bad then.
BY MR. HUTCHINS:
Q How long has Campbell's reputation been bad, Mr. Harris, quite a good while, hasn't it? A Why I think so, yes sir.
Q And it kind of began mostly with this citizenship business? A Yes, so far as I know it did, yes sir.
Q Campbell got so many bad citizenship cases and through the mails, and they finally had him up about it, had a good deal of stir about it? A Yes sir.
Q And some of that stir was sort of occasioned by him helping the Dawsons in some't it? A I don't know, I don't know whether he helped the Dawsons.
Q Was not that one of the principal cases that brought him into notoriety? A I don't know whether it had that case or not. I know he had a great many cases.
Q That was the principal thing that got around the kind Campbell out, was citizenship cases here? A I think that is what got him into the most trouble.
Q I say before that time nobody had talked much about Campbell one way or another, and it became pretty general that Campbell was handling shoddy citizenship cases, and he got a bad reputation from that? A Yes sir, I think that was the impression generally.
Q How Mr. Duncan's connection with the Dawson case sort of knocked back: people never talked much about it? A I never heard anything about it, as I know of.
Q You have heard that there has been a scandal, some sort of the Dawson case, that has been a notorious thing? A Oh, it has been a notorious case, yes sir.
Q Well the fact of Mr. Duncan's reputation for [illegible] that notorious case [illegible] a fact?

Q His reputation for straightness is somewhat given by himself; he takes occasion to confirm it on all occasions, doesn't he?
A I don't know whether I am qualified to answer that.
Q Speaking of his truthfulness, he does that very frequently?
A No sir, not that I know of.
Q Doesn't he write a good deal about that part of things? A About his invitations.
Q And in speaking of his own integrity? A I don't remember that he does.
Q You were not about the citizenship courts along in 1.81 '2 and '3 were you? A No sir.
Q Didn't you hear about the talk that was going on about the decisions over there about the citizenship cases? A No no, don't remember anything special as I know of. I knew how the citizenship cases were going on at different times.
Q How far were you living from Tahlequah in '87? A Well, I lived close to Vinita, I guess it is sixty miles probably.
Q Have you lived any nearer Tahlequah since that time? A No sir, never have.

H. L. MILLER, being first duly sworn and being examined testifies as follows:

BY A.R. HOLCOMB:

Q What is your name? A H. L. Miller.
Q You are a minister of the Gospel? A Yes sir.
Q M. E. Church, South? A Yes sir.
Q How long have you been a minister? A I have been in the ministry 22 years, sir.
Q Did you ever live at Vinita? A Yes sir.
Q How long? A I was there four years, sir.
Q Do you know D. W. Dobson? A I do.
Q How long have you known him? A I have known Mr. Dobson 21 years.
Q Do you know the general reputation for honesty and uprightness of character? A I do.
Q Is that good or bad? A Good, so far as I know.
Q You have an opportunity to know? A Yes sir.

BY MR. LEECHMAN:

Q Mr. Dobson was a member of your church? A Yes sir.
Q What is the principal way you have of coming in contact with him? A Yes sir, he was a member of my official board.
Q His connection with citizenship cases that were decided by the court of which he was clerk has never brought him in your presence anywhere? A No sir.
Q Or never discussed? A No sir, I know nothing about his connection with it.
Q You didn't live about or near Tahlequah in '87? A Yes sir, I was Pastor of the Methodist Church in '87 at Tahlequah.
Q Did you hear about the Dawson case, and other cases admitted over there by the citizenship court? A No sir, I know nothing about the cases. I recollect when the commission was in session, and I remember that he was clerk of the Commission, but know nothing about the cases that were decided at all.
Q Never heard anybody discuss how cases were decided? A No sir.

THOMAS A. CHANDLER, being first duly sworn and being examined, testified as follows:

BY MR. MCKENNON:

Q What is your name? A Thomas A. Chandler.

Q What is your age, Mr. Chandler? A I am 70.

Q What is your occupation? A Deputy Clerk of the United States Court at Vinita.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know B. W. C. Duncan? A Yes sir.

Q How long have you known him? A Let me see, I have known him about nine or ten years.

Q You know his general reputation for honesty and integrity of character in the community where he lives? A Yes sir.

Q Is it good or bad? A Good so far as I know.

Q Do you know Campbell Taylor? A Yes sir.

Q How long have you known him? A I think about 15 years.

Q Do you know his general reputation for truth and honesty? A Yes sir.

Q Is it good or bad? A Bad so far as I know.

BY MR. HUTCHINGS:

Q How did Campbell Taylor get a bad reputation? A Well sir, I don't know how he did.

Q You never knew him until 1885? A Well I never knew him personally, I heard of him before that.

Q He had a bad reputation back in '85? A Yes sir.

Q Bad reputation way back yonder? A First I remember I ever heard of him I heard people talking bad of him, when I was a kid.

Q And everybody that has around the Nation and knew anything at all knew Campbell had a bad reputation? A Yes sir, away so far back as '79 or '80, that is as far back as I can remember; I think I heard it spoken of in '80, I think that's about the time.

Q And Campbell got a very bad reputation in '80 and '81 when we began to have these citizenship cases? A Yes sir.

Q You heard him spoken of in connection and using the mails for those business? A Yes sir, I heard of him being in the Fort Smith Jail on that account.

Q Citizens of the Nation talked a good deal about Campbell's being in those bad citizenship cases? A Yes sir.

And I also heard he had a bad reputation for not paying his debts, all about the way he lives.

Q You don't know whether he had the money, he might have had the money to pay his debts? A No sir.

Q He could have kept out of bad citizenship cases? A Yes sir, I suppose he could.

Q You never heard Mr. Duncan's name mentioned before in connection with the Dawson case, citizenship cases? A No sir, I don't think I have, I may have, but I don't remember hearing it.

Q General impression that somebody had done something wrong with that matter, citizenship cases? A I heard there was something wrong in connection with the Dawson citizenship cases.

Q That he himself has been in notoriety ever since they were settled? A Yes sir, I have heard it rumored around over the country that such was the case.

Q There was a pretty large voting capacity of the Nation that was never investigated? A I don't know about that, I don't think it was ever investigated, I never heard of it.

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Q So they never had any occasion to find out who the man was?
A No sir.
Q Where did you live in '87? A In '87 I lived out on Rock Creek about 12 miles south of Vinita.
Q How far from Bellegarde was that? A About 25 or 30 miles, I suppose.
Q You never were around before the citizens this county during that time? A No sir.
Q You don't know, then, whether or not Dr. Powell had rent or his land or not during that? A No sir, I do not, at that time.

BY MR. McKENNON: I will now object to all of the testimony of this witness as to what is heard by way of hear-say about the character of the Rachel case, because such evidence is hearsay, immaterial, irrelevant and incompetent.

A. S. McKENNON, of Counsel for Applicants, being first duly sworn, makes the following statement:

I became a resident of Carroll County, Arkansas, early in 1856. I was intimately acquainted with Dr. Arthur Baker, for many years. Knew him as well as I did anyone else. He was a gentleman of the highest Christian character, so recognized by everybody who knew him. He was a sober man, and never drank liquor. I take this statement now in vindication of that good man's memory then for any other reason, because any imputation against his character is false.

BY MR. McKENNON:

Q How long did you live in Carroll County until '87? A I resided in Carroll County until I was away from there, but I have in this state every year that I resided in Carroll County.
Q Did you know Mr. Baker well? A Yes sir, I have seen him several times. I have forgotten both the town in which he lived; my relations to him were such as to cause me to know but little about Doctor Baker. I have not seen him well after I left there. I think about 1887.
Q Did you know those facts in 1890 when you made a record of this Commission? A Yes sir, I have known them all my life as I know them now.
Q Did you know them when you as a member of this Board voted on the Irene J. House case? A I knew it every day of my life, in 1890 as well as now.
Q Suppose that Doctor Arthur Baker's statement should show that he was born in the year 1850, and suppose he said when he was 15 or 16 years of age that Dave Pruett the wife of Samuel Dawson, was a grown up girl going to school, when the other undisputed evidence shows that she had married Sam Dawson prior to this time and had seven children, the youngest of them was born in '72, how would you harmonize that with a man who was an honest man and then the facts in the case? A Whatever Dr. Baker stated he honestly believed, whether it was right or wrong, whether it was error or truth, he honestly believed it, and stated it as he believed it.
Q He was capable of being in error? A Every man is.
Q I say he was? A Yes sir, just as you and I and every man, he was; I merely state as to his high character, which could be proven, by every man who knows it I think, I knew it.
Q The Commission rejected Irene J. House in 1896, of which you were a member? A I don't remember anything about that personally.

TESTIMONY ON BEHALF OF CHEROKEE NATION.

DAVID MEREDITH, being first duly sworn, and being examined, testified as follows:
BY MR. HUTCHINGS:
Q State your name? A David Meredith.
Q Where do you reside? A Vinita.
Q How old are you? A 62 years old.
Q Did you ever know James Dawson? A Yes sir.
Q How long have you known him? A I knew him probably 8 years.
Q Did you ever have any talk with him about his citizenship? A Very little.
Q You were at one time an applicant before the Dawes Commission for citizenship were you not? A Yes sir.
Q Well what did Mr. Dawson tell you with reference to his citizenship, as to the cost of his getting it, if anything? A Well he told me it cost him eleven or twelve hundred dollars to get him over there.
Q Where did that conversation in a dinner? A At Afton.
Q At what time? A It was in 1896, spring of '96.
BY MR. McKENNON:
Q Where were you when he told you that? A I was working on a house in Afton, building a house.
Q Whose house? A W. S. Haines.
Q Who else was present? A Haines was present.
Q Where is he? A At Afton.
Q What age was he, Dawson at that time? A I don't know, he was very old, probably 75 years old.
Q Was he not a cripple to him? A Yes sir.
Q Hardly able to get around? A No sir.
Q Was he not then a feeble minded old man? A I don't know whether he was so regarded or not.
Q You don't know what he had to do with the case, in fact, himself, do you? A No. I judged it was himself and family that cost that much for his transit, attorney's fees, etc. That is the way I took it myself.
Q You were an applicant yourself were you not? A Yes sir.
Q From? A At that time.
Q Before the Cherokee authorities? A Yes sir.
Q They rejected you? A Yes sir.
Q You were an applicant then before the Dawes Commission were you? A Yes sir, been rejected ever since.
Q Are you still an applicant? A Yes sir.
Q Still trying to get in? A Yes sir.
Q Claiming by blood? A Yes sir.
Q How long have you been living in the Cherokee Nation? A 15 years.
Q Where did you come from? A Indiana.
Q Claiming to be a Cherokee citizen? A Yes sir.
Q Indian? A Yes sir.
Q James Dawson is dead is he? A Yes sir.
Q How long has he been dead? A I think he died probably within two years after that.

TESTIMONY TAKEN ON BEHALF OF THE APPLICANTS.

F. M. DAWSON, being re-called and further examined, testified as follows:
BY MR. McKENNON:
F. M. Dawson? A Yes sir.

Q Mr. Dawson, what number of your family came to the Cherokee Nation to file and prosecute the claim of your father, Robert Dawson, and the members of his family, to Cherokee citizenship?
A My father from Texas and me to Tahlequah.
Q Tell his name? A Elbert Dawson, they all knew him by Buck.
Q When was that? A In '81 as well as I remember, or '82, I don't know which, it was in '81 or '82.
Q Did you file your claim at that time? A My brother and, yes, the application,-my brother had Joel Hayes to make it out and file it. That is my understanding.
Q Joel Hayes, who afterwards was Chief of the Cherokee Nation?
A Yes sir.
Q Before what Court was that filed? A My understanding was he was clerk of the court; Hastings can tell us what court he was clerk of.
Q He was clerk of the Court at that time? A Yes sir, of the citizenship court; that's my understanding.
Q What was done about the case at that time, if you remember? A I went back home and left my brother down there at that time, that trip.
Q Where did you then live? A I lived at Berryville, Arkansas.
Q When did you next come to the Cherokee Nation? A I believe I came back the next January, that was in September.
Q Was your brother Buck here then? A I don't think he was, I don't remember.
Q Well had he at any term of the Court or session of the Commission at any time after you first came here and filed the application until after it was decided? A No sir, I never met him any more until that case was decided.
Q You commuted the business then after that did you not? A Yes sir.
Q The case was finally determined in January 1883? A '83, yes sir, the 11th day as I remember.
Q Were you present at that session? A Yes sir.
Q Was there any decision of that case other than the one of record here? A I never heard of it if there was.
Q Was the judgment rendered in that case as recorded in the record Book of that Commission now in the custody of the Dawes Commission the only judgment that was rendered in that case so far as you know? A Yes sir, so far as I know, if there was any I never heard of it in that case.
Q You then knew of no decision against you in the case? A No sir.
Q Who was your attorney employed at the beginning? A I employed A. H. Norwood.
Q Was he a Cherokee Citizen? A Yes sir, I think so.
Q Where did he live? A At Clarmore, my understanding.
Q Was he present at any time before the Commission? A I never saw him, he never met me there befor the Commission.
Q Did you pay him any money? A Yes sir.
Q How much? A Fifty dollars.
Q Did he ever render any services? A If he ever did I never know it.
Q Well then who did you employ? A My brother employed Joel Bryant.
Q Was he a Cherokee citizen?
A That is my understanding.
Q Was he not a prominent Cherokee citizen? A Yes sir.
Q What service did he render? A Well sir, I don't know whether he rendered any or not, only he met me a time or two at Tahlequah, and he was before the Commission: whether he rendered any services

of got I don't know; he was generally always at Washington City during the term down there.

Q Well what did he do about it? A I don't know, I couldn't say whether he done anything about it. That is Mr. Bryant, he was always gone.

Q What next was done about the employment of an attorney? A Why I got a letter from Joel Bryce that he was going to Washington City and for me to come down in January term and Campbell Taylor would see to my claim before the court.

Q Did he say that he had employed the services of Campbell Taylor the attorney, to attend to it in his absence? A Yes sir, in his absence.

Q Have you got that letter? A I don't think I got the letter.

Q Well what did you do then? A Why when the time come I come down on the stage to Washington here and I come over from here to Fort Gibson and I come down to see Uncle Houston Benge and stayed all night with him; it was very cold weather, and I got him to go over and submit my case to the court; I went over one day and the next day Uncle Houston Benge came over and was there morning after he come over the case was submitted.

Q Did he submit the case? A Yes sir, he told me so.

Q For you? A Yes sir.

Q Were you present? A I was present until they went to take the vote on the case and then we was drove out of their room and they had a secret session, acting on the case.

Q Was Houston Benge present with you? A Yes sir.

Q Were you in the court when he submitted it to them? A Yes sir, when he made his argument.

Q He made an argument before the Commissioners? A Yes sir.

Q Was the decision rendered on that day? A Yes sir.

Q Mr. Long after he had his argument submitted the case? A I was not but a little bit, when we were drove out of the room the first time before they went into secret session they wanted me to get my the cigars to the court and to treat in the house. After the decision was rendered I am I was to get in the cigars, and everybody come to me and told me to go and get the cigars and I done so.

Q And you took the cigars there and all? A Yes sir, everybody, the attorneys and all that was in the house, all but a big snake.

Q Did they then announce their finding in the case? A Yes sir, they told me that I was granted my citizenship right and by the Commission.

Q What did you do about it then? A Why the clerk wrote me out my certificate.

Q What same day? A That same day.

Q What arrangements did you make with Mr. Benge about his fee, and what was the amount of his fee? A There was no arrangement made until we got up there and he submitted our case; then he wanted me to pay him, he charged me fifty dollars, that was his fee.

Q What was the agreement about the matter, the manner in which that fee should be paid? A My brother in Texas was to pay it.

Q Were you to write or was he to write? A He was to write for me.

Q Did your brother in Texas ever pay his fee of fifty dollars? A Yes sir.

Q Was that all that was to be paid? A All he was to have; all he charged me.

Q You heard his speech when he gave his deposition at Fort Gibson the other day did you not? A Yes sir.

Q He there state that you paid him fifty dollars before he went over to Tahlequah, did you do that? A No sir.
Q He said that you paid him fifty dollars after he got over to Tahlequah, did you do that? A I never paid him a cent in my life.
Q After that judgment was rendred where did you go to? A I went back home to Arkansas.
Q By what route? A I went by Silow Springs and on by Spring Dale and then on to Rogers, took the railroad there and went on by Saligaw and by Decatur Springs home.
Q You then did not return to Fort Gibson with Houston Benge, as he stated? A No sir, I did not.
Q Why did you not go by way of Fort Gibson? A Well I thought maybe the others who the cheap at road and struck a hack going out by Sam Stables where I was boarding at, I could go to Silow Springs and I went by that route and then there was a hack going by Spring Dale, that was the first direct route.
Q That was the best direct route from your home was it not? A Yes sir.
Q And the cheapest? A And the cheapest route.
Q And you been coming back to Fort Gibson you would have been going directly away from home would you not? A Yes sir.
Q Your home was nearly east, due east of Tahlequah was it not? A Yes sir, little north of east, pretty near due east.
Q While Fort Gibson is almost due west is it not? A Southwest.
Q You heard his statement that you went to Fort Gibson with him, and as you said you stated to him that the way to reach that court was through Duncan and you reached this through Duncan with five hundred dollars, did you make that state ment? A I never did, I didn't have the five hundred dollars to reach him.
Q Did he while at Tahlequah inthe court room on the evening before this judgment was rendered in your favor, tell you that the court had rendered a judgment against you? A No sir.
Q And did you then say to him, you can fix that? A I had no such conversation with him.
Q Did you pay to D. W. C. Duncan, who was the Clerk of the Court any sum of money, or agree to pay him any sum of money, directly or through any other person for any services he might render you by way of influencing the court to decide in your favor? A No sir.
Q Or for any other purpose? A No sir.
Q Did you pay him any money after that through Campbell Taylor?
A Yes sir.
Q What amount? A 20 or 25 Dollars, I don't know which it was.
Q State what that money was paid for? A For a claim.
Q What do you mean by a claim? A Claim on the public domain; he had a claim up there close to me; paid him 20 or 25 dollar for his claim he had up there by me, on the Cherokee Public Domain.
Q What did Campbell Taylor have to do with your case?
A He had nothing to do with it.
Q Did you agree to pay him any money for his services as an attorney? A No sir.
Q Did he perform any services in that case foryou as a representative of Mr. Bryant? A No sir.
Q Did you pay him any money? A Yes sir.
Q On what account? A He came to me and said he had the claim against me for fool tryant and wanted me to pay him the money and I done so.
Q What amount? A Hundred Dollars.

Q You [illegible] paid to [illegible] I [illegible], Joel Bryant. He [illegible] it for Joel Bryant.
Q Did you pay it money do Joel Bryant, what you know of? A Joel Bryant [illegible] he didn't, and [illegible] again, paid Joel Bryant two hundred dollars we owed him for his fee; E. Duncan paid Joel Bryant; after that, we [illegible] got two notes from Campbell Taylor, one for twenty dollars or twenty-five dollars; that in all we ever got back from him.
Q How did you get that 75 dollars out of Mr. Duncan? A I kept after him and dunning him to pay that money back to me, he rendered no services to [illegible] all and the money was to go to Joel Bryant, and I finally worked out the twenty or twenty-five dollars, that is all I ever did get back.
Q The judgment that he paid to Duncan? A Yes sir.
Q Was this money paid to him, this one hundred dollars, while you were there at the time the judge was rendering, or was it sent to his office later? A I think it was paid to him, as well as I remember about it.
Q You think it was paid then? A Yes sir, that's my recollection now.
Q Did you send him one hundred dollars after you went home, subsequent to the rendering of that judgment, after it was rendered I mean, directing him, of any fifty dollars of that or any other sum to D. W. C. Duncan? A No sir.
Q Did you send him a check one hundred dollars with such direction? A No sir.
Q Mr. Bryan, do you know about what it cost your family in all to obtain their rights with the Cherokee Nation under this judgment? A Pratt [illegible] it I do.
Q Tell about what was it A About five hundred dollars, pretty near 500 dollars. That is what I considered, I was beat out of some of [illegible] money, that I was beat out of and expenses.
Q Now take a statement of what that money was paid for and how, so far as you remember, itemize that now? Tell the first fifty dollars Norwood got; the next fifty dollars Norwood got; that was the attorneys fees; I speak of the attorneys fees now; the next money was the hundred that Campbell Taylor got; the next attorneys fees was Bryant's one hundred dollars.
Q Was that all the attorney's fees? A I think it was, no, wait, I paid Ross 15 dollars for taking Baker's deposition.

Q Which Ross was that? A The old Chief, Will Ross I think was his name, William P. Ross.
Q He then, this Chief William P. Ross for taking the deposition of Dr. Baker charged you fifteen dollars? A Yes sir.
Q Do you know of that that he acted as your attorney and examined him? A Yes sir.
He examined him before the Commission, took his statements.
Q What other attorneys were there present? A None of them was present.
Q Well now, go on? A For the expenses of taking Dr. Baker and he was a Doctor, as well as I remember he charged me 5 dollars a day and I hope him and his expenses down there; we come through in a hack from Perryville, Arkansas, to Muskogee, and our board and expenses and all I think was about 75 dollars that trip; something near it. Maybe a little over that.
Q Did you pay him a per diem? A I paid him five dollars a day for his time and then his expenses.

Q Well? A Well I made several trips out here at different times, to Tahlequah before the Commission, and back, three or four trips as well as I remember now, cost, I 30 or 25 dollars each trip. me I remember about it.

Q Do you recall how many trips a little from the one in which you brought Dr. Baker? A No, I think there was probably three trips I think it was, maybe more, did then I made one trip to Claremore to see A. M. Norwood.

Q What did that trip cost you? A I don't remember what it cost; I went in a wagon down there.

Q You went through and employed Benge, went by railroad: what did that trip cost you? A I don't remember what it was, whether it was 21 dollars or 31 dollars, one or the other, I don't remember which it was: Joe Dawson, my brother give me the money, it was either 21 or 31 dollars.

Q Now then is there any other expense that you know of that was paid by you or your family, any members of your family, other than that you have mentioned? A I don't remember any other now; I can't call to my memory right now.

Q What was the condition of the members of your family generally now, financially, at that time? A Well we were considered poor people; I don't know, we didn't have much money, scarcely any.

Q Was there any one of them that was better off than the others, but if so, which one? A I would say Albert Dawson was better off than the others, Buck Dawson.

Q Do you know how much Buck Dawson paid of these expenses? A I don't think he paid, he paid the Benge debt and the Bryant debt, I think it was.

Q That is one hundred and fifty dollars? A Yes sir, then he came up on one trip and taken care of Idence with Joel Bryant when Joel Bryant was Clerk of the Court before this Tenes Court, I don't know what it cost sir.

Q Came up here and went back now is there? A Yes, came up he went back to Texas. Filed his claim and took some testimony and went back to Texas and I didn't see him.

Q Did that testimony include Dr. Baker's testimony? A No sir.

Q You know how many witnesses were examined then? A I only know what he told me.

Q How many? A Four witnesses.

Q You know whether they were residence of the Cherokee Nation or not? A He told me they was.

Q Were you present on that trip in which he came there and took that testimony? A No, I met him there and then I went back home and left him at Tahlequah.

Q He had taken the testimony before you left him or after words? A He taken it afterwards: that was my understanding.

Q Did Buck furnish only the one hundred fifty dollars that you now remember? A I think it was.

Q And the expense of taking these witness up there A Yes sir.

Q Who else furnished money now of the members of your family? A My brothers and father lived down in Perryville, me and my brother-in-law, Blassingame, we all chipped in together a few dollars from each family.

Q You heard the statement of C. C. Brought that in June 1963 you told him that it had cost you 700 dollars, did you make any such statement to him? A I never did.

Q And that you paid one witness 300 dollars? A I never made any such statement.

Q Did you pay any witness any high fee? A No sir, I paid Dr. Baker for his time; he said his time was worth 5 dollars a day, and I paid it.
Q Did you pay any other witness any more than that? A No sir, he was the only witness I had on down there in my cause.
Q Was the Roland Dawson case? A Yes sir.
Q We have that you told him this in your house there on your place, did you have any house there in June 1883? A I was not living on my farm at that time.
Q Did you have any farm? A Didn't have any.
Q Then did you build a house there? A I built a house on the farm I live in now by Mr. Trought, I moved on the farm the last of July, 1883, and I camped in my wagon.
Q What did you do? A I went to the timber and cut poles and had them cut and made me a log cabin on the place he a spring near Mr. Trought.
Q About what time did you finish that house? A I t was in September.
Q How long after you finished that house until you brought your family out? A I finished it up and got it covered and the floor in it and I went back to Eureka Springs after my wife.
Q What family did you have then? A I had my wife and she had one child; but my oldest children, by my first wife were with me in the Territory, camping with me; three little boys and one girl here with me, and our girl back in Arkansas.
Q Are you and C.C. Brought on good terms? A No sir.
Q What has been the character of the trouble between you? A Trouble over our places first started it.
Q When did it begin? A As soon as I got back from Arkansas he and several tried crowding me out to the edge of farm away from me, and we have been in a racket ever since.
Q Then his statement that you were on friendly terms, is it correct or not? A No sir, it aint correct.
Q He said you had never been friendly as neighbors then since you first came back from Arkansas and settled in the Territory? A I don't remember ever being in his house, I never was in his house.
Q Have you had law suits with each other? A Yes sir.
Q How many? A I don't know that we had any particular law suits, but I have had law suits and he has been a witness against me.
Q That was your last trouble with him, when I mean? A Along last fall.
Q That was when your boys had a little racket and he had your boy arrested? A Yes sir.
Q What was the age of those boys? A Eleven years old.
Q He had him arrested down at Vinita? A Yes sir, had him arrested and carried before the Commissioner at Vinita.
Q He was discharged on account of his age? A Yes sir.
Q Polk Dawson is dead is he? A Yes sir.
Q How long has he been dead? A Three years, little over three years.
Q And James Dawson is dead? A Yes sir.
Q Is your father, Robert Dawson living? A No sir.
Q When did James Dawson die? A I don't remember, been dead several years, I don't remember how long, 6 or 7 years, I couldn't state.
Q When did your father, Robert Dawson die? A I believe it was in '87 or '8 I remember now, I won't be positive.
Q Had all these moved to the Cherokee Nation before their death?
A No sir, father died in Arkansas.

Q Those that lived here in the Nation they lived here in the Nation but went back to Arkansas and died there? A Well the rest of my folks all lived here. That was James Dawson and Buck Dawson.
Q Robert Dawson, your father, never did move to the Territory, did he? A No.
Q Did you hear the statement of the witness Beavert this morning, that about the time of hearing of the James Dawson case, at a negro church at night James Dawson come down there with someone else he introduced to him, and he loaned him ten dollars; did you hear that statement this morning? A I heard the statement, yes sir, I heard it.
Q He says that man James Dawson was 35 or 40 years old; was there any James Dawson living belonging to your family at that time of any such age? A No sir.
Q How many James Dawson's were there belonging to your family? A There was my uncle James Dawson and a brother James Dawson, the Doctor here.
Q How old was your brother James Dawson then? A He was a tolerable old man, I don't know his age.
Q About what age? A Must have been 60.
Q Between 60 and 70? A Yes sir.
Q What was the age of your brother James? A At that time?
Q Yes sir, in '84? A In '84 I suppose he was about 18, something like that.
Q Had he anything to do with the James Dawson case? A No sir.
Q Was he present at the time that the James Dawson case was under consideration? A No sir.
Q Was James Dawson, your uncle, James Dawson, present at any time during the consideration of his case? A No sir.
Q He never was present? A No sir, if Uncle Jim Dawson was ever in Tahlequah I never knew it.
Q Who conducted the prosecution of the James Dawson case before the Cherokee Citizenship Commission, who conducted it? A The James Dawson case?
Q Yes sir? A I think James Low and Bill Jackson and Campbell Taylor.
Q Were you acting with them? A Yes sir.
Q They employed Campbell Taylor? A Yes sir.
Q Then there was no James Dawson present during that session of the Commission? No sir.
Q What was the condition of James Dawson's health at that time? A It was pretty poorly; was not good.
Q Was he at that time able to get about and attend to business? A I don't think he was.
Q Was he not a very feeble minded old man at that time? A Yes sir.
Q Regarded as rather a silly man was he not? A Yes sir.
Q Did he attend to any kind of business of the family at that time? A No sir, didn't.
Q What was his financial condition? A Pretty bad.
Q Did he have any money? A No sir.
Q Did he have any property? A None hardly at all; horse probably, or a cow or two, something that way.
Q Was that about all the property he had? A Yes sir.
Q How about the other members of his family that were admitted at that time; what was their financial condition? A They were in poor circumstances.
Q Now then after these judgments were rendered what members of your family removed to the Territory, Cherokee Nation, I will say? A Robert Dawson and family and James Dawson and family, that is, them and their children.

Q Robert Dawson didn't remove here? A No, I said except Robert Dawson.
Q Did all the members of Robert Dawson family move here? A Yes sir.
Q Except himself? A Yes sir.
Q And all the members of James Dawson family? A No, not all the members, Melvina Low I don't think ever lived here.
Q She has never moved here? A No sir.
Q Well all the members of your family, your father's family included in that judgment of the Committee, rendered January 11th, 1883? A All but one.
Q That was the name of that one? A Edna.
Q A daughter? A Daughter of Robert Dawson.
Q Your sister? A Yes sir.
Q Was she then of age or was she a minor? A I think she was a minor, as well as I can remember.
Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.
Q By a Commission or by the Cherokee Council? A She was first admitted by the Spears Court, her and two of my neices.
Q What were their names? A Katie Vernon and Verna Fishback.
Q What became of that? A The certificate papers they got was lost, and they went before the Council in 1894 and they was readmitted back by the act of Council.
Q That was in 1894, the Cherokee Council admitted, re-admitted as they called it, the three above named? A Yes sir. Mary and Verna Fishback and Katie Vernor, they have now the same names now except Vernor, it is not, Tob Robinson married the widow, a neice of mine.
Q Now then was there any other consideration of the Dawson case by the Cherokee authorities at any time aside from these two judgments in '83 and '84 admitting the two families of Robert and James Dawson, and the act of Council of '94 admitting these three whom you have just named? A Yes sir.
Q When? A My two of my sons was placed on the roll by the act of Council in 1892 I think it was; left off of the rolls in per capita payment and they was placed on the rolls I think, and Sam Nightingh member of Council, got their draft or checks for the money.
Q Have you got that copy of the act of Council admitting them? A Yes sir.
Q Where is it? A (Produces papers.)

BY Mr. McKENNON: We offer in evidence an act of the Cherokee National Council making an appropriation of 20,000 dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount set opposite their respective names, provided that the Principal Chief shall draw warrants for such amounts, and further provided "That the names of the persons appearing on the per capita rolls in this act shall be placed (on) the authenticated roll of 1880 by the Principal Chief."
This act was approved December 31, 1891.
Approval signed by Stephen Fanne, Assistant Acting Principal-
In this list a pear the name of Willia. H. Dawson for payment of $13.70, and of Marion Dawson, for a like sum. Are these not the names of two of your sons? A Yes sir.

(This paper above introduced, is filed and made a part of the records in this case.

Q Was there any other action of the Cherokee authorities relating to members of your family? A Yes sir.

Q When? A In 1894.
Q What was that? A Allowing them their Strip money.
Q Have you a copy of that? A I think I have. (Produces papers.)

BY MR. McKENNON: We offer in evidence a duly certified copy of an act of the Cherokee National Council approved November 24, 1894, signed C. J. Harris, Principal Chief, Senate Bill No. 19, appropriating a sufficient amount of money to make payment per capita of what is known as the strip money to certain persons named therein. Among them are members of the Riddingers family, as follows: Jane, Elbert, Henry, James Ross Lorrie, Pearl, Anna, Lyttle, Minnie and Clifford; this act mentions these persons as Cherokees by blood, and whose names had been left off the pay roll approved May 3, 1894, providing a payment to each one of these a sum of $265.70.

Q Were these members of the Robert Dawson family? A Yes sir.
Q Which one of the members of the family? A Jane.
Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.
Q And her children? A Her children, was not admitted, she was admitted.
Q I mean this mentions her children here? A Yes, that mentions her children.

(The paper last above introduced is filed and made a part of the record in this case.)

Q Do you know whether the payment of the Cherokee Strip money was to Cherokee citizens by blood only or not? A Yes sir.
Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A Why the Douthett children, my brother's grand-children. Two grand-children of E. Dawson.
Q When was that? A That, I think it was in 1884.
Q Have you got a copy of that act? A No, the record is here.
Q Was that by the Spears Court? A Yes sir, by the Spears Court.

BY MR. McKENNON: We now offere in evidence a judgment of the Cherokee Commission on Citizenship, 1880 and 1884, found on Page 180, case No. 181, dated September 8th, 1884, signed by Ell Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Lula Douthett and Dallas Douthett as Cherokees by blood.

Q These now are the Douthetts to which you refer, are they? Yes sir.

BY MR. McKENNON: Attention is called to the fact that the names of the Commissioners are all signed in the same hand-writing as the record of the judgment.

The said judgment record above introduced, and found on page 180, No. 181, record of 1880 to 1884, is as follows:

"Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, September 18th, 1883.

E. Dawson, for his grand-children,
No. 181.
Lula Douthitt,
Dallas Douthitt,
vs
The Cherokee Nation.

C. H. Taylor,
Atty for Claim.

Petition filed September 14th, 1883.

Case submitted by claimants Sept 14th, 1883.
Case submitted by Solicitor, Sept. 19th, 1883.
Continued by Petitioner Jan 22 1884 to September Court 1884.
Re-submitted September 2nd 1884, by Attys Taylor and Benvert

Submitted by defense Sept 9 1884.

And now on this the 15th day of September 1884 comes this case for final hearing and all the evidence in the case having been carefully read, and considered by the Commission on Citizenship it has been decided by the Commission that the above named Lula Daudnett and Dallas Daudnett are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

Ell Spears, Pres.
John Lee,
John L. Adair, Andrew Young,
Clk Com'n. Commission on Citizenship."

Q Now were there any other actions of the Cherokee authorities of like character relating to the members of your family?
A I don't remember of any others.
Q I will ask you if when the Cherokee authorities were making the roll of 1896, in compliance with the request of the Dawes Commission for a roll to be prepared by them for the use of the said Commission, the question of the citizenship of the members of your family was not then raised and an investigation had in regard to it? A Before the Dawes Commission?
Q No, before the Cherokee Commission making the roll of 1896, of which John T. Gunter was a member? A Yes sir, yes. I had forgot it, but since you have named it there was some investigation of them at that time; this is what I understood.
Q That roll shows that the members of your family were duly enrolled by the Commission? A Yes.

Q Have you and the other members of your family since your removal to the Territory in 1883 and immediately following been recognized as Cherokee citizens by blood? A Yes sir.

Q Have you been exercising and enjoying all the rights of Cherokee citizens by blood since that time? A Yes sir.
Q You and all the members of your family are living in the Cherokee Nation? A Yes sir.
Q You have all drawn Cherokee moneys whenever payments were made? A Yes sir.
Q And have you all male members been voting at the Cherokee elections or in the Cherokee elections? A Yes sir, I was one of the judges of the elections that was held voting on the treaty.
Q What treaty? A The treaty bill that was sent back here for the Cherokees to vote on; I was one of the judges at Afton.
Q I.. What year was that? A I believe it was last spring some time, last April.

Q Have any of you held any offices in the Cherokee Nation? A Yes sir.
Q What offices have the members of your family filled? A Deputy Clerk, under Pete Hastings, when he was clerk of Delaware District, I was a candidate once for Council in the Downing party.

Q Can any office of deputy clerk be held by any one else except a recognized citizen? A Only by a citizen, yes sir.
Q Is that all? A (No reply).
Q How the children of members of your family attended the Cherokee schools, and been educated in Cherokee schools? A Yes, sir.
Q Have the members of your family been all the time subject to the jurisdiction of the courts of the Cherokee Nation? A Yes sir.
Q Have they been tried for any offences against the laws? Yes sir.
Q And have they instituted their civil suits in the courts of the Cherokee Nation? A Yes sir.
Q And had suits instituted against them in such courts? A Yes sir.
Q Some of these cases have gone to the Supreme Court of the Cherokee Nation? A Yes sir.
Q And were passed upon by that tribunal? A Yes sir.
Q Is there anything else? A Nothing now; I am sick this evening; I have got the head-ache so bad I can't hardly see.

BY MR. HUTCHINGS:

Q How old was your father Robert Dawson when he died? A I don't know, I couldn't answer that.
Q He was a very old man? A Yes sir, he was getting tolerably old.
Q Could you tell how much older he was than you? A No I don't know.
Q Mr. James Dawson in 1824 must have been a very old man wasn't he? A Well he was old and he was feeble.
Q Well you stated that he had been silly: was he naturally that way? A He used to live in Texas; I didn't know him until after he got to the Territory.
Q I say he had gotten so old, that was the occasion of that? A I suppose so, the oldest one of these children was Mrs. Betty Petty, that's my understanding.
Q And the oldest boy was John Dawson? A We always called him Jack.
Q Jack Dawson he was the oldest? A Yes sir.
Q Sam was the youngest? A Sam Riley.
Q He was the youngest one of the crowd? A Yes sir.
Q Your father lived four or five years after he and you were admitted to citizenship? A Yes sir, something about that, it was in 1843, I think he died in 1848, I wont be positive; that is as near as I remember now. I have got a headache so bad that I can't remember anything.
Q He nor none of the older members of the family were ever present at any of these trials of citizenship? A No sir, not a one of them was.
Q Not a one of them was ever called upon to testify as to the blood of their mother, who she was or anything about it? A I don't think they was.
Q Your claim of kinship was through Captain John Rogers and that your grandmother was the half sister of Big Joe Vann, wasn't it? A I don't know, I couldn't answer the question.
Q You were there when they took the testimony? A I was there when Dr. Baker's testimony was taken, that was about 16 years ago.
Q And nobody kin to the Rogers and Vanns was ever called to testify in the case? A Not as I know of.
Q They were very well known Cherokee families in the country? A I suppose so, I don't know.
Q And yet nobody on any side of the family connected with it was ever called to testify A Not that I know of, I don't know what my brother done, he taken some of the evidence at Tahlequah when I was not there; he first filed his claim.

Q You had spoken to Mr. Baker about the testifying before you brought your case didn't you? A No sir.
Q Must have been a short time afterwards? A It was a short time afterwards, I went back after him and it was too late and I fetched him the next time.
Q You had talked to your brother about what you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our folks.
Q You had told him in a general way you expected to use Dr. Baker as a witness? A Yes sir.
Q You went off, come to Arkansas and left your brother at Tahlequah after you told him that fact? A Yes sir.
Q You didn't see your brother any more until after you were admitted? A No sir.
Q You and he however had trips back and forth to Tahlequah and here at different times, but you didn't happen to get together? A No. I never met him any more and I don't know that he was there until after we were admitted.
Q But you were there and brought Dr. Baker over? A Yes sir.
Q And took his testimoney a year or such a matter befor ever you were admitted? A I think so well as I remember, yes sir.
Q Now the way you came to get Campbell Taylor was on the recommendation of old man Bryant? A I didn't get him, didn't use him.
Q The way he came into your case? A The way he claimed to come in.
Q He did more in your case than Bryant did? A Campbell didn't do anything.
Q What did Bryant do? A I think he held my brother take evidence my brother employed him.
Q How did you happen to be sending money by Campbell to Mr. Duncan? A I never sent him any money.
Q Then when he, Mr. Duncan, states that Campbell delivered the money as Campbell said he did, both were wrong? A Oh no, you are mistaken, Mr. Duncan got 20 or 25 dollars, which he stated, from Campbell Taylor, for me.
Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryant, and he wouldn't do it, and I tried to get the money back from him, and I finally worked the 20 or 25 dollars he gave to Duncan.
Q Then you didn't tell Duncan as he testified that you sent 20 or 25 dollars by Campbell Taylor? A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for me of the money I give him to give to Joel Bryant.
Q The family kept Campbell Taylor employed though as their attorney after that? A In the James Dawson case I think so.
Q E. Dawson, you remember, had him for his grand-children? A That is my understanding.
Q And your uncle James Dawson had him in the case of his children? A Uncle James had nothing to do with it; James Low and Bill Jackson got him; that was my understanding of who employed him.
Q The record here shows that the case was originally instituted by C. E. Taylor and was finally submitted by him September 2nd, 1884, in the James Dawson case? A I don't deny him being in that case.
Q You say he was employed in the E. Dawson case? A I don't know who was in the Dauthett children's case.
Q The record shows that Campbell Taylor instituted the case, and it was finally submitted by him, and Mr. Reavert, who testified a while ago? A That was in the James Dawson case, wasn't it?
Q That was in the E. Dawson grand children? A Elbert?
Q No, in the Dauthett children's case? A Oh yes.

Q He was likewise attorney in the Mary Dawson case was he, and before the Adair court, the 4th of October, 1887, in the case of James K. P. Dawson? A I don't know anything about that.
Q And the case likewise of Riley Dawson? A I don't know anything about those.
Q They are relations of yours? A Well I couldn't say.
Q James K. P. Dawson proves to be a son of Riley Dawson? A Well if he is he is my connection then. There are so many Dawsons I don't know them all.
Q You know Andrew J. Dawson? A Yes sir.
Q The Dawsons have so many children their brothers didn't hardly know them did they? A That's it, I don't know them.
Q Well then you don't know who Andrew J. Dawson is? A No sir, I don't know.
Q He refers in his application as being a cousin of E. Dawson, and yourself, who were admitted to citizenship by the Tehee Court? A He may be, I don't know nothing about it.
Q He resided I believe, at that time at Nevada, Missouri? A I don't know anything about the people.
Q Old Aunt Baker was an old and paralyzed man at the time he testified wasn't he? A Getting old, he was not paralyzed.
Q Then the statement made that the reason he couldn't write his name and had to make his mark, because he was paralyzed, in the testimony isn't that true? A He didn't have good use of his fingers.
Q Then he was not paralyzed? A No, I brought him over there in a hack from Berryville, Arkansas.
Q Well I say he was a very old man? A Yes, getting old.
Q Now didn't you come to this place up there joining Brought's and work on it some time before you brought your family? A No, I brought my family with me, except my wife.
Q And you subsequently built a log house on it? A Yes sir.
Q And went back and got your wife and move them to the log house? A Yes sir, went to Eureka and got my wife.
Q You never saw your grandfather at all? A Sam Dawson, yes sir, I saw him.
Q You remember do you of being with him much of any at all? A I was in Texas in time of the war, with my uncle Riley Dawson, and he was there.
Q In '60 sometime? A '62, I reckon, or '63. Somewhere along there, it was in time of the war.
Q How old a man was he at that time? A Pretty old man.
Q You never saw your grandmother, she died before she came?
A Yes sir, I never saw her at all.
Q Who first started the citizenship matter, your brother in Texas or you? A Why it was me, and my brother together.
Q I mean who first conceived the idea? A I first commenced talking about it.
Q And sent down for him? A I was in Texas with him and then in Arkansas; I went backwards and forwards a time or two after the war.
Q About that time nearly everybody in Arkansas were trying to get some claim of kinship to Cherokees? A No sir, not at that time.
Q They were getting pretty thick in there in 1880? A Well in 83 and '4 and '5 I think.
Q Been more excitement over there to get yourselves on the rolls?
A Just got to be everybody; but it wasn't at the time we were admitted there was not much stir about the rights here.
Q Well the Watts had been admitted before that? A I suppose they did; there was not much excitement over the Watts claim at that time.

BY MR. HASTINGS:
Q You did locate and board with Sam Shables when you first came to Tahlequah in '81? A I think I did.
Q Your brother Frank Dawson stayed there also? A Yes sir.
Q Sam Shables lived in the north end of town, old Ferrell? A Yes sir, old German, lived in the lower part of town.
Q Did you ever hear the names of any other witnesses which you stated perhaps testified in your case? A I have heard them but I have forget them.
Q You don't recollect any name now? A I dont remember that now sir.
Q In the Irene House case and Joshua Barber case, in which you testified before the Commission, when you were making search for this testimony you couldn't find any other testimony from that of record except the Dr. Baker testimony, could you? A That's all we could find; no we didn't find the testimony, we got a copy.
Q Well it must have been a copy of the original, the certificate shows that? A I don't know; House got a copy of what claimed to be the affidavit of Baker and he told me to give it to him; that is all I know about it.
Q Well the certificate there does not bear my certificate does it? A I don't know about that, I am no scholar.
Q Well you didn t get the testimony of any other witnesses except that of Dr. Baker; you couldn't find any other over there of record? A I didn't hunt for any; House hunted for them.
Q None of you have ever been able to dfind any other? A No. Not even find our petition.
Q Samuel P. Dawson applied to what is known as the Adair Court, didn't he? A I don't remember now.
Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.
Q The father of these two parties who testified here this morning? A Well I don't know, they claimed to be, I never met them to know them.
Q He was rejected by the Adair Court, or Hayes Court? A I don't know whether he filed his petition.
Q Did you testify in his case? A I don't remember; I might have dont it.

Q Didn't you testify in the Andrew J. Dawson case before what is known as the Hayes Court? A I don't recollect, if I did I don't remember.
Q Did you testify in the Riley Dawson case? A No sir, now that I remember.
Q Didn't you know of his being rejected by that court? A I don't remember, sir.
Q You know that the Cherokee Council never authenticated the roll of 1896, don't you? A No sir, I don't know it; I didn't know this was done until I went to Tahlequah after some papers and came back and they told me about it.
Q You never found out that C. H. Taylor was a big rascal up until the present time have you? A [No response]
Q The records here show that he has been in the constant employment of your family from that date up to this time? A Why it shows here from the record; I would rather be excused for my part of it.
Q You were the man that had most to do with it? A I never employed him, I can say that.
Q You are the man that had most to do with the records? A In my case and in my father's case.
Q Didn't you testify for your uncle Jim Dawson? A Yes sir.
Q Wasn't he attorney for him? A Yes sir.

Q Wasn't he employed by Jim Dawson after you got your citizenship?
A Why not buy the grand-children.
Q Jim Dawson's petition was filed in September 1883, after yours?
A Yes sir.
Q C. H. Taylor, attorney of record, filed his petition? A He might have filed it for all I know.
Q Well you hadn't at that time fallen out with C. H. Taylor had you? A Why no, we never did have any trouble, only over that money, he never would give it back to me or give it to Bryant.
Q You never discovered that he was much a bad man until after your judgment was rendered? A I know he was not of good character.
Q Are you and Drought, this man who testified for the Cherokee Nation, on speaking terms? A Hardly speak.
Q Does he refuse to speak to you? A So still as he does.
Q Do you refuse to speak to him? A Yes sir.
Q Have you been speaking to him for the last two or three months? A I have not spoke to him until I met him here at the hotel the other day.
Q First time you spoke to him since he had the boy arrested? A Yes sir.
Q When did he have the boy arrested? A Along in September or October, September I think.
Q When did Dr. Baker die? A I don't remember.
Q You don't remember how much older your father was than you? A No, I don't know.
Q What is your age? A I will be 60 in May.
Q Then you were born in '43? A Yes sir, '42 according to the record.
Q Was your father as much as 25 years old when you were born? A I couldn't say.
Q What was your best judgment? A I suppose he was 30 or 35 years old. My understanding he married young.
Q Can't you give any better idea than 4 or 5 years of your father's age? A I say 35.
Q Your father was born say, 25 from 42 would have made him be born in 1817; now had your father any older brothers or sisters? A I think Jack Dawson was the oldest of the family, no, Betty, the girl, was the oldest and Jack next, and then my father as well as I remember about it.
Q There were two girls older? A No, one of the girls I never saw.
Q Then you think there are only 3 older than your father? A Yes, that's my understanding of the family.
Q Dr. Baker gives his age 73 in '83, which would make him be born in '89, now he states that when he was 15 or 16 years old, which added to 1809, will make 1824, that your grandmother Anna Priett, was a school girl; whereas from your testimony and that of the family history introduced here shows that your grandmother Anna Priett was the mother of seven children, the youngest being born in 1823, how do you reconcile that? A I don't remember about the statement of Dr. Baker; I don't know that he made such statement as that, I don't remember about it.
Q And if he did you don't know how to reconcile it? A (No response.)

Q Did you talk to any of the members of the Court that admitted you? A No sir, I was not acquainted with them.
Q You know whether they were old or young men? A They were old men like; Steve Tahee, I got acquainted with him afterwards, and Tom Thompson, at the Council you know I was there a good deal.

Q That was the fellow that was on the court? A Yes sir.
Q He was afterwards assistant Chief of the Cherokee Nation?
A I think so.
Q Steven Tehee. That's the man you had reference to? A Yes sir, I think it was, I just knew the name I had no acquaintance with him at all.
Q D. F. C. Duncan boarded when you were down there at the National Hotel? A I think he did, as well as I remember now when we were admitted.
Q Don't you know he did? A I think he did, as well as I remember.
Q Were not you over there in his room? A I think I was.
Q You remember when it was that you brought Dr. Baker down there to get a statement before the Court? A It was in January, Tex., was in January term of 1868 I believe, it was, as well as I remember about it.
Q Well you didn't take any more testimony after Dr. Baker testified?
A No sir, I didn't.
Q But your case was not submitted or passed upon for a year?
A I think it was; yes sir, as well as I remember.
Q I would like to ask you when the Blackings family came to the Cherokee Nation? A Alex Bulaningame came with us when we moved here, and went back and got his family and moved that fall.
Q Did he move his family here that same fall? A Yes sir.
Q What year was that? A In the fall of '87 I believe it was, as well as I remember now.
Q When did the Bulaingame family come? A I think the girl and the old lady came in the next spring.
Q How long did they remain that time? A The old lady stayed here, but the girl went back and in a short time her and her husband came back.
Q Did she come back still after her marriage? A No, she was married when she came first.
Q The last time? A She was married I think, she was married when she came out.
Q How long has August Bulaingame been a permanent and continuous resident of the Cherokee Nation? A I think he came there in the fall of 1884 or 1885, I must say which.
Q How long has Robert Pierce been a continuous resident of the Cherokee Nation? A Ever since he was admitted.
Q When was that? A '87.
Q How long has Martin L. Patterson? A Ever since he married his wife, and he was living here before he married his wife.
Q Who is Arizona Alsup? A That is my daughter.
Q Did you bring her with you? A No not when I moved.
Q When did she come? A She came out in a year or two after I moved here.
Q Was she married when you moved here? A No sir, she was not married.
Q She was not married when you were admitted? A No sir, she was a child.
Q When did Jim Lowe come to this country? A With his grandfather, James Dawson.
Q What was his father's name? A Melvina Dawson.
Q You know Jim Lowe's age? A No sir.
Q Don't know how old he was in '85? A No sir.
Q Was he grown? A I think he was.
Q Married? A No sir.
Q Married in this country? A Yes sir
Q Who is James H. Rawson? A Married one of the Jackson girls.

Q When did they come to this country? A Right away after they was admitted.
Q In what year? A I think the winter of '94, I think it was, during the winter of '94.
Q You know Gideon Graham? A Yes sir.
Q Who is his mother? A Missouri Ann Graham, formerly Missouri Ann Dawson.
Q Did he come from Texas to Arkansas? A Come from Texas.
Q Did you know them in Texas? A I knew the girl.
Q You never knew them until they came to this country? A I never knew Gid.
Q When did you see him here? A I think they came here in the fall or winter of 1894 or '95.
Q He was married then? A I think he was.
Q Who is his wife? A I think he was, I don't know.
Q Did he have any children when you first saw him? A He came to my house and I never saw his family for--I don't know, for several years.
Q You understood he had a wife? A Yes sir.

BY MR. WISE TON:

Q Did you come to say '94 or '95? A '94.
Q Did you see Gid Graham in '94? A '94, let me study, no '95.

BY MR. HASTINGS:

Q Did you see him in '95, are you positive on that proposition? A I think so.
Q Will you swear it? A No sir, I won't positive swear it, but I think it was, as I remember now it was; I couldn't say positive.
Q All the people Mr. Dawson that have been admitted to citizenship by courts of competent jurisdiction unless they were de-citizened by courts of competent jurisdiction, enjoyed the same privileges that you have narrated here about going in and out and being tried in the Courts? A Yes sir.

Q All that sort of thing that you have been telling here in your direct examination? A Ask me the question again.
Q I say all people who were admitted here by courts of competent jurisdiction, until they were de-citizened by courts of like jurisdiction, enjoyed the same privileges that you did? A So far as I know they was.
Q They all owned money and all tried in the courts as long as we had tribunal courts, were they not? A Yes sir, so far as I know.
Q There was no special privilege granted to you in preference to anybody else? A None but recognized citizens of the Cherokee Nation.
Q Well you had been recognized since you were admitted? A Yes sir, I enjoyed the same privileges of native born Cherokees.
Q Well I see there is nothing special about it? A No, I don't know as there is.
Q You got acquainted with Mr. Duncan while you were up there during the hearing? A Yes sir, I was acquainted with him, knew him, had seen him.
Q Mr. Bill Rose did the examination of Dr. Baker? A Yes sir.
Q Did you file any other paper before the Court other than your petition and then Dr. Baker's statement? A I never filed any petition there at all.
Q Any statement? A I don't remember any.
Q Well you never had occasion to file any papers before Mr. Duncan? A I got him to do some writing for me.
Q What? A Letters to my brother in Texas.
Q Took Duncan? A Yes sir, to write.

Q That? A Yes sir, Robt Dawson.
Q Well is that all he did for you? A I don't remember any about it.
Q Why didn't you get your attorney to do that lobby writing? A There was not any there.
Q Taylor Nor Bangs was not there? A No sir.
Q That is what you said the $6 or $5 dollars for, was writing this letter back to your brother? A I paid him for that claim.
Q When did you pay him? A I think I paid it, I don't exactly know, Jesse Taylor paid it a year or two after I moved out here and [illegible] I think I paid it, I don't remember.
Q [illegible] A I couldn't say where.
Q Was he present when you paid him? A No sir, but that money was sent to, I think Carr Taylor said he paid it.
Q [illegible] Carr Taylor some money? A I sent some money to him for Jesse Taylor.
Q You knew Neal Bryant's address didn't you? A No, I don't know that I did, but I didn't send Carr Taylor any money, I gave it to him.
Q How much did you give him? A One hundred dollars.
Q When? A Right at that time; he claimed it from me as soon as we got our papers, he came onto me and thanked me for Bryant.
Q You never paid him any thing after that? A No sir.
Q Did you ever see Bryant after that? A Yes sir
Q How long after that? A I don't know, a year or two afterwards. a year I believe, my brother wrote, I wrote to my brother about paying Carr Taylor money and he went onto my brother about it and he never paid him until we moved out to this country.
Q After all that you got him to attend to your uncle Sir Dawson's and the other relatives cases? A The other parties did.

BY MR. McKENNON:

Applicants object to all that part of the witness' evidence in response to interrogatories by representatives of the Cherokee Nation which relates to the character of the evidence upon which the judgments admitting [illegible] of the James and Thomas Dawson families were rendered and to the history of the members of the Dawson family, because the same is immaterial, incompetent and irrelevant.

BY MR. McKENNON:

Q One question I omitted to ask you Mr. Dawson, as to the Court at the time the judgment admitting Robert Dawson's family was rendered, who of the judges were present on that day? A They was all three of them, Wolfe, Tehee and Thompson.
Q Are you positive of that fact? A Yes sir.
Q You do not know this Andrew Dawson family who applied to the Dawes Commission for Cherokee citizenship, and who stated what they are cousins of some members of your family? A Andrew?
Q Andrew J. Dawson, who claims to be from Missouri? A How was the question?
Q You do Not know them do you? A I don't know that they are any kin to us.
Q You don't know that they are related to you at all? A No sir.
Q This Mary Dawson case, do you know the members of that family?
A No sir, I don't.
Q Don't know who they are? A No sir.
Q The Rebecca Dawson case? A I don't know her either.
Q You don't know whether they are related to you or not? A No sir.
Q If any of those persons are related to you or your family did you have any knowledge of it? A No. as I know of.

Q Joanna Barber, do you know anything about them? A They claim to be kin to us.
Q Where are they from? A They are from Texas.
Q Do you know they are related to you? A They claim to be kin.
BY MR. HASTINGS:
Q Well you were for them before the Commission? A Yes, they claim to be kinfolks of mine.
BY MR. McKENNON:
Q Irene J. House, who is that? A That is a cousin of mine: claims to be.
BY MR. HASTINGS:
Q You testified for her didn't you, before the Commission? A I think I did as well as I remember.
BY MR. McKENNON:
Q Before that Court that admitted James Dawson posthumously, who were the witnesses there? A Oliver Miller, from Berryville, Arkansas.
Q Who were the others? A Myself and J. Dawson and there was two other witnesses, I don't remember who they are.
Q Were they Cherokee citizens and residents of the Cherokee Nation? A Yes sir.
BY MR. HASTINGS:
Q You don't remember their names? A Which?
Q Of those other people who claimed to be citizens of the Cherokee Nation and who gave testimony? A I said about me and J. Dawson was citizens of the Cherokee Nation.
Q You only mentioned that Jim Dawson was a brother of Robert Dawson before the Court? A Yes sir.
Q And they referred back to the decision in the Court before? A He proved that they were citizens, and he knew my folks before he ever saw me.
Q Was he older than Dr. Baker? A About the same age.
Q Why didn't you get Oliver Miller's testimony in the Boins case?
Q He was dead.
Q You and no member of your family in the Irene House case or the Joanna Barber case or any of those cases that were tried before the Dawes Commission in your affidavits ever made reference to the fact that Oliver Miller testified in Jim Dawson's case or did you?
A I don't remember about that.
Q You did make reference to the fact that Dr. Baker testified there in '83, didn't you? A I don't remember about that now.
Q You never made reference to any other witness having testified other than Dr. Baker did you? A I don't remember about it now.
BY MR. McKENNON:
Q Now just one other question: All of these papers in the original application and everything, so far as you know, in the James Dawson case, were filed before the Commission which admitted the James Dawson family, are they or not? A I suppose they are, I don't know, I never saw them.
Q Have you tried to get copies of them? A Yes sir, I tried to get the original papers.

BY [illegible]: This case is continued until 8:30 a.m., tomorrow morning, March 30th, 1938, it now being the hour for adjournment.

[illegible] 30, 1938 - 8:30 a.m. - F. L. DAWSON again on the stand, testified as follows:
BY MR. HASTINGS:
Q Where was your brother Nick Dawson raised? A In Arkansas.

Q [illegible] A Carroll.
Q [illegible] A [illegible]
Q Sir Mr. Pierce live at Berryville? A Yes sir.
Q [illegible] A Yes sir.
Q Do [illegible] A Yes sir.
Q [illegible] A Yes sir.
Q [illegible] A Yes sir.
Q Is she the one [illegible] A Yes sir.
Q [illegible] A Yes sir.
Q [illegible] A I don't know but one.
Q [illegible] A Yes, after she [illegible] A Yes.
Q [illegible] A Yes sir.
Q [illegible] A Yes sir.
Q [illegible] A Yes sir

BY MR. McKENNON:
Q Did Josephine Pierce have a daughter who married Mr. Bogle?
A Yes sir.
Q What was her name? A I always knowed her by Dade Pierce; I don't know whether that is her right name or not.
Q What is Bogle's name? A John Bogle.
Q She is the child of Josephine Pierce who married John Bogle?
A Yes sir.
BY MR. HASTINGS:
Q Where did she marry John Bogle? A Near Afton.
Q When? A I couldn't state.
Q About when? A You have got a copy of the marriage license.
Q When did Josephine Pierce come to the Cherokee Nation? A '83.
Q Has she lived here continuously since that time? A Up until her death; she is dead.
Q Any of her children come with her at that time? A Yes sir.
Q And have they lived here continuously since that time? A Yes sir, except Bill Pierce, he went to Colorado and died.

J. C. STARR, being first duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q Your name is J. C. Starr is it? A Yes sir.
Q Mr. Starr, was that instrument taken by you, or before you? (Showing witness document.)
A Yes sir.
Q Where? A At the residence of S. H. Benge: near Fort Gibson.
Q When? A On the 15th day of this month.
Q What day of the week was that? A On Saturday.
Q Is that the day it was taken? A Yes sir.
Q Did you go there on Saturday to take this? A Yes sir.
Q Then when Judge Benge stated on Tuesday that it was taken "yesterday" meaning Monday, the 17th, he was mistaken, was he?
A It was taken Saturday, the 15th.
Q Was he mistaken or not? A It was not taken then.
Q Then his statement made on Tuesday the 18th that it was taken on "yesterday", meaning Monday, the 17th, was not correct, was it?
A I think not, because I was there, and it was taken on the 15th.
Q And it was taken on the 15th, you are positive it was taken on the 15th? A Yes sir.

Q Then of course his statement could not be correct? A I guess not.
BY MR. HASTINGS:
Q He was just mistaken about the date, wasn't he? A Yes sir.
BY MR. McKENNON:
Q Did you tell Charles C. Moore who is now present, on last Tuesday that they sent you out there on Monday to take that? A No sir.
BY MR. HASTINGS:
Q I sent you there last Saturday? A Yes sir.
Q And you went there at my direction didn't you? A Yes sir, and come back Saturday night.

ROBERT L. DAWSON, being first duly sworn, and being examined testified as follows:
BY MR. McKENNON:
Q What is your name? A My name is Robert L. Dawson.
Q What is your age? A I am in something close to 30 years old, I am 29 past.

Q Are you a son of E. Dawson, commonly known as Buck Dawson?
A Yes sir.
Q I will ask you if you will examine this letter sent with the enclosure and state whether or not you found that among the papers of your father after his death? A (Hands letter to witness who examines it) A Yes sir, I found this amongst the papers of my father. He always kept all his own papers, and me looking over them I saw this letter.
Q Has that been in your custody ever since you found it? A Yes sir, if that's the letter that was in the envelope.
Q Well that's what it is, you can tell whether it is or not. (Witness further examines letter) Q That purports to be a letter from Samuel H. Benge, does it not, to your father? A Yes sir. (Here applicants' attorney hands letter and env lope referred to to attorneys for Cherokee Nation.)

BY MR. McKENNON: I want to offer this letter in evidence in this case; it is a letter signed by S. H. Benge, attorney at law, dated Fort Gibson, C. N., Jan. 13, 1883. Addressed to Mr. E. Dawson, Esq., together with the envelope, in which it was enclosed, with the card of C. H. Taylor upon it, attorney at law, Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T., January 13.

BY MR. HUTCHINGS: The Nation objects to the introduction of this letter for the reason that S. H. Benge is living and has testified in this case, and his handwriting should be either proven or denied by himself.

G. W. BENGE, being first duly sworn, and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A G. W. Benge.
Q Are you a son of Samuel H. Benge? A Yes sir.
Q Do youknow his handwriting? A I believe so.
Q Is that his handwriting? (Shows witness letter before referred to.) A Yes sir, it is either his or a resemblance of his.
Q To the best of your knowledge and belief is that his letter?
A Yes sir.

BY MR. McKENNON: Now we offer it in evidence.

BY COMMISSION: (Reading letter)

"Fort Gibson, C. N.,
Jan 13th, 1883.

Mr. E. Dawson, Esq.,

Dear Sir:- I write this note to inform you that your case came off before the Court on Citizenship on the 11th inst, and was decided in your favor, so you all are citizens of this Nation. E. M. Dawson was furnished with a copy of the decision at the court. He will write to you also. You will please send me fifty dollars as my fee in your case according to contract. Send it to Fort Gibson, Cherokee Nation.

Respectfully yours,
S. H. Benge,
Attorney at law."

Enclosed in envelope, as follows:
Card in upper corner, left hand:
"Return in ten days to C. H. Taylor,
Attorney at law,
Tahlequah, Ind. Ter."
Addressed: Mr. E. Dawson,

Henryetta,
Clay Co., Texas."

Post-marked: " Tahlequah, Jun 17 1902 I. T."

ROBERT L. DAWSON, -re-called and further examined, testified as follows:

BY MR. McKENNON:

Q Now exa ine that and see if that is also a paper which you found among your father's papers after his death? (Hands papers to witness) A That is the same letter that I found.

Q Among the ones that you found the Bonge letter? A Yes sir.

BY MR. McKENNON: This is a letter purporting to have been written by J. M. Bryan, to R. Dawson, dated at Chouteau Station, Cherokee Nation, and not dated, which we offer in evidence. (Applicants' attorney hands said paper to Nation's attorneys.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSION: (reads letter)

"Chouteau Station, Cherokee Nation.
I. T., M. K. & T. R. R.

MR. Dawson:

Dear Sir:-

I am in receipt of your favor of the 30th inst. in regard to our contract.

After I had got the claim so there would be little more to do I employed Campbell Taylor to answer for me when the case came up, for which I was to pay him $20 out of my fee. This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, or that you was to pay him $100- and that you had offered him a check on some bank in Texas.

That $100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

And I am satisfied that you are apprised of the earnest work I done for you, Please write to me.

Very respectfully,
Very truly,
J. M. Brynn."

Q I will ask you if you know of your father having paid Bryan that money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS.

Q How old was your father when he died? A I, I don't know whether I know his age or not.

Q If you don't know you can't say? A I wouldn't have no reason to know his age; never asked his his age; of course I guess my mother knows.

Q Never had occasion to talk about his age at all? A Oh I have heard him speaking of his age at different times, but then I never paid enough attention to it.

Old Graham, being first duly sworn and exa i ed testified as follows:

BY MR. McKENNON:

Q What is your name? A Old Graham.

Q How old are you? A Mr. Graham? A I am 35 years old.
Q How long have you been living in the territory? A I came out here in 1887 or '88.
Q To the Cherokee Nation? A Yes sir.
Q How long have you been living in the Cherokee Nation, what year was that '87 or '88? A Yes sir.
Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.
Q How long did you live in the Cherokee Nation? A About 6 years.
Q Where did you go then? A Wagoner.
Q In the Creek Nation? A Yes sir.
Q And been residing there ever since? A Yes sir.
Q In business? A Yes sir.
Q Have you all the while been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q Mr. Graham, do you know Judge Samuel H. Benge? A Yes sir.
Q Did you have a conversation with him in Fort Gibson about September of 1900? A Well as to the exact time I couldn't say, it was sometime about the time that the Dawes Commission were at Sallisaw, or possibly a little later, somewhere about there.
Q Taking the census of the Cherokees? A Yes sir.
Q At that time had the question of the validity of the judgment of the Cherokee citizenship commission admitting Robert Dawson and family been called in question? A Yes sir.
Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.
Q What did he tell you about it; well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A He did.

BY MR. HUTCHINGS:

Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?
Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.
Q And he told you the judgment was all right? A Having known that Mr. Benge was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I might want his affidavit concerning the matter, and I also I think maybe wrote to him: possibly prior to that, I am not sure as to the writing, but I think possibly I did.
Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would use him in person; he assured me that everything was all right.
Q Your mother was Missouri Dawson was not she? A Yes sir.
Q Her name was Missouri Graham when she was re-admitted to citizenship? A Yes sir.
Q And was not Missouri Dawson as named in that judgment? A Yes sir.
Q Do you know whether the other children named in there had married and changed their names also at the time they were admitted? A There were not any of them married.
Q Ella Dawson was your aunt? A Yes sir.
Q Was she married at that time? In 1883? A Yes sir.
Q Melvina Dawson, was she married at that time? A Yes sir.
Q And the fourth one you have mentioned, Missouri Dawson, was your mother? A Yes sir.

Q Can you give us the exact date of your birth? A Yes sir.
Q Do so, please? A January 21, 1867.
Q And you came to the Territory when? A In 1887 or 1888.
Q You can't make that any more definite? A Well sir, it has been a good while ago, and I didn't have anything to cause me to.
Q Well I just want to know whether you did have or not? A No sir.
Q When were you married? A 1886.
Q You were married prior to coming here? A Yes sir.
Q Your first child born away from her? A Yes sir.
Q What is its name? A John W.
Q '86 you were married, and he was born about the spring of '87?
A Somewhere in 1887, I don't remember.
Q Prior to your coming here? A Yes sir.
Q That is the only child you had that was born away from here?
A No sir, Julius.
Q Julius was not born in the Territory? A No sir.
Q And prior to the time of your removing to the Territory? A Yes sir.
Q These are the only children born out? A Yes sir.

BY MR. McKENNON:

Q Do you know Campbell Taylor? A Yes sir.
Q I will ask you if about February 1901, he came to Wagoner, and sent his son to have you come to the hotel at night where he was, and if he then and there said to you "You people are on the doubtful list, and if you will give me five hundred dollars I will make it all right and see that you are enrolled, and if you don't I will see that you don't get on".? A Well now as to the first part of thatquestion, where you say he sent his son; that is an error; I don't know whether he came to my house or sent some one; when I returned home that evening my wife told me there was some one there to see me, and was at the city hotel at Wagoner, and said come down and see him; I went down there; I never had met Taylor; he introduced himself to me and stated what his business was; asked me if I was on the doubtful list, etc., to which I replied that we were; he asked me if I didn't want to employ him, stating that if we would give him, our family would give him five hundred dollars he would see that we were placed on the rolls all right, but if we refused to give him five hundred dollars that he would use his influence against us and see that we were rejected.
Q You never had met him before, or had any communication with him?
A I never met him before; as to the communication, I may have written him something about his affidavi. as to the validity of that judgment, I can't say as to that. He said in his testimony that I did; I don't know whether I did or not now.

BY MR. HUTCHINGS:

Q You knew he was the attorney in the case, originally? A After looking at the records I did.
Q I mean you knew it at the time you wrote to him about the affidavit: that was the reason why you thought he would know something? A Certainly.
Q He never told you he was going to swear against you or threatened to tell anything that was not true? A He just simply said unless we gave him that five hundred dollars he would see we were all cut off the rolls.
Q Said he would use his influence against you, that is what he said? A Yes sir.

BY MR. HASTINGS:
Q You don't deny writing to him then for the affidavit? A I don't know I did or I did not; I neither affirm it or deny the question.
Q You went to Captain Mange and also wrote him with reference to what he knew about the case? A I don't know whether I wrote him or not; I said I was under the impression I wrote his son.
Q You came to see Aaron Butler, who was interpreter before that court that admitted you? A Yes sir.
Q And you went with Aaron Butler to see Sir Smith, attorney before that court? A Yes sir.
Q And you either wrote or went to see everybody you knew of that was before that court then? A Yes sir.
Q That shows you used considerable activity? A Yes sir, I used such activity as was to my interest.
BY MR. McKENNON:
Q This was all after the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof such as had appeared before the Commission had been placed upon a doubtful card? A Yes sir.
Q Then you began to look up the evidence and see what there was in it? A Yes sir.
Q As Mr. Hastings has stated? A That's right.
BY MR. McKENNON:
Q You are a grandson of James Dawson? A Yes sir.
Q The old gentleman? A Yes sir.
Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1884, wasn't it? A Yes sir, well I can't be exact as to that.
Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.
Q Well what other James Dawson did you know belonging to the families, either one of these families, Robert Dawson family or the James Dawson family? A I never knew of but two James Dawsons.
Q Who were the others? A Dr. James R. Dawson, who is present and standing right here; my grandfather, James Dawson.
Q Was there in 1884 any James R. Dawson 35 or 40 or 45 years old, that you know of, belonging to either one of these families?
A No sir.
Q Do you know how old Dr. James R. Dawson was that that time?
A James Dawson? Q No I am speaking of Dr. James R. Dawson? A Oh, how old he was, no sir, I do not.
BY MR. HUTCHINGS:
Q Do you know who was here attending to your mother's citizenship case at that time, at the time they were admitted? A Yes sir, James Low and Bill Jackson, son of Ellen Jackson.
Q Who was W. A. Dawson? A That is Wilburn, my uncle.
Q Was he here? A I don't know sir.
Q You were not here any of the time? A No sir.
Q You knew your grandfather then, you had lived in the same neighborhood with him? A Yes sir, I knew him well.
Q He didn't die for a year or two after that did he? A After when, Mr. Hastings?
Q After his admission to citizenship? A No sir, he didn't die I think until '91 or '90, several years after.
Q Very old man when he died? A Yes sir.
BY MR. McKENNON:
Q About what age? A He was approximately 80 years old.
BY MR. HUTCHINGS:
Q When he died? A Yes sir.

BY MR. HASTINGS:
Q That about 1891? A I think so, yes sir.
BY MR. McKENNON:
Applicants object to the testimony of the witness elicited by interrogatories of counsel for the Cherokee Nation relating to his family, their history, etc, as being immaterial, irrelevant and incompetent.

James R. Dawson, being first duly sworn, and being examined, testified as follows:
BY MR. McKENNON:
Q Your name is James R. Dawson? A Yes sir.
Q Where do you live? A Afton, Indian Territory.
Q What is your age? A 45.
Q You are a Physician are you not? A Yes sir.
Q Was James Dawson, whose family was admitted in 1884, an uncle of yours? A Yes sir.
Q Do you know what his age was at that time? A No sir, I do not, only approximately.
Q State as nearly as you can? A At the time of the admission?
Q Yes Sir? A About 70, I don't know exactly.
Q How old was he when he died? A I would suppose he was about 78.
Q What was your age in 1884? A I am 45.
Q What year were you born, Doctor? A I was born in '65.
Q That have been '84? A Yes sir, that's right.
Q What was your age then? A In '84?
Q Yes sir? A About 20.
Q Were you present at the time that James Dawson family was admitted, or at any time while their case was pending before the Cherokee citizenship commission? A Not while the James Dawson case was, no sir.
Q You were present during your father's case? A I was there at the time.
Q When was that? A The dates I dispute; when the case first came up, I disremember the exact date.
Q How long were you there? A I was there about a week.
Q And that when it first came up you say? A Yes sir.
Q Nothing was done? A No sir.
BY MR. HUTCHINGS:
Q You never saw Dr. Baker? A Yes sir.
Q Did he and your uncle Jimmie used to talk about how they played together when they were boys? A My uncle Jim and Dr. Baker talk?
Q Yes? A I never saw them together.
Q They were about the same age? A Yes sir, I believe Dr. Baker was 15 years older probably.
Q Dr. Baker must have been mistaken about his own age? A Guessing, that's all I know about his age.
Q The Doctor had been paralyzed, rather a decrepit looking man at the time he was over here at this citizenship business? A No sir, not as I know anything about.
Q He was near about 70 then? A I couldn't tell you, he was an old looking man.
Q Your uncle Jimmie was about 70? A Yes sir.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

W. W. HASTINGS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS:

Q State your name? A W. W. Hastings.
Q Residence? A Tahlequah, age 35.
Q You are attorney for the Cherokee Nation in the general preparation of these cases? A Yes sir.
Q Just state how it happened that you summoned Mr. Campbell Taylor, and what occurred between you with reference to his testimony?
A Well there had been some talk, as the testimony here indicates, that there was perhaps fraud in the admission of this family, and by agreement with counsel on the other side, and the Commission, this case was set for the 17th day of March, and some short time prior to that, as the attorney for the Nation I began to make some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote C. H. Taylor to come down here. I don't think in that letter that I told him what I wanted with him; I don't think I told him the case that I wanted him to testify in; that is my recollection now. Mr. Taylor prior to that time, neither directly nor indirectly, so far as I knew, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I summoned him; perhaps the fact that I knew he had been connected with them in some way and that I perhaps also would get some information from him. Well he came in response to a letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe he could be compelled to testify, and that is he was put upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length; I asked him what he knew about it; of course he for a long time declined to tell me; and what information I did get from him was by piecemeal. He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him.

Well we talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he detailed to me the facts just as he told them on the stand; I don't believe there is the slightest variation, except that he perhaps was not so full at that time and it was told by piecemeal, but I got all those facts out of him, or very nearly all those facts out of him. He may have elaborated a little more here by examination; but he never voluntarily gave me any information at all, either directly or so far as I know indirectly. I don't think he sent any one to me. I got his name because I heard he was connected with the case, and perhaps knew something about it, like I did a great many other people, some of whom I didn't bring, because they didn't know what I supposed they did know about the case.

With reference to S. M. Benge, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. G. Starr over to S. M. Benge's place to take his affidavit on Saturday, March 15, in the W. H. and J. W. Shoemake case, and their descendants. I had heard that Mr. Benge knew some important facts in connection with the Shoemake case and I sent him over there then to take that affidavit; and when Mr. Starr came back he told me that he knew some facts also in connection with these other cases, and I was surprised to find he had instead of one affidavit, in the Shoemake case, that he also had another affidavit in the Dawson case. That is the first information I had that Mr. Benge knew anything whatever in connection with the Dawson case, and therefore he never voluntarily, either directly or indirectly gave any information prior to that time to me.

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not seeking anything else but the truth, and didn't want him to tell anything else but the truth.

I want to say again that after he was on the stand and left that evening, and after Captain McKennon, of counsel for the family, had indicated his willingness for Mr. Taylor to testify, that he went over all of these facts that he testified to on the stand subsequent to that time in the presence of J. G. Starr in my office. I simply wanted to go on the stand for the purpose of showing that Mr. Taylor hadn't voluntarily given me any information, and I make this statement for that purpose.

BY MR. McKENNON:

Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the persuation that I brought to bear.
Q He therefore did it simply upon your persuation? A Yes sir.
Q You knew he had been acting as attorney for these parties?
A Yes sir, I had seen from the record that he did too.
Q And he told you so? A Yes sir.

BY COMMISSION: The attorneys for the applicant and the representatives of the Cherokee Nation will be granted thirty days from the receipt of the transcript in this case in which to file a brief in this case with the Commission.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. Green.

I, Arthur C. Evans, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing, and that the same is a true and complete copy of the original.

Arthur C. Evans

Subscribed and sworn to before me this 18th day of December, 1902.

B. D. Jones
Notary Public.

File with Cherokee D-632, James Love, et al.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Francis M. Dawson, et al for enrollment as Cherokee citizens, consolidating the applications of,

Francis M. Dawson et al	Cherokee	D.	324
John Dawson,	"	D	380
William R. Dawson,	"	D	381
Andrew C. Atkins, et al	"	D	384
Francis M. Dawson, Jr.	"	D	385
Arizona Allred, et al	"	D	835
Samuel R. Dawson, et al	"	D	350
Robert Dawson,	"	D	352
Albert H. Dawson, et al	"	D	358
August Bulawsky, et al	"	D	365
John W. Dawson, et al	"	D	482
Katie Newman	"	D	402
John Dawson, et al	"	D	578
Thomas P. Dawson, et al	"	D	580
Orie H. Dawson, et al	"	D	530
Robert Pierce, et al	"	D	408
William Pierce,	"	D	409
Charles M. Pierce,	"	D	431
Ona Gray, et al	"	D	491
Effie Pierce,	"	D	472
John S. Eagle, et al	"	D	474
Joseph R. Dawson, et al	"	D	500
Wilborn Dawson,	"	D	475
Charles T. Moore, et al	"	D	518
James R. Dawson, et al	"	D	526
Henry A. Blasingame, et al	"	D	532
Elbert L. Blasingame, et al	"	D	533
James R. Blasingame, et al	"	D	534
Martin L. Patterson, et al	"	D	435
William C. Dawson, et al	"	D	604
Robert L. Dawson,	"	D	605
Elbert B. Dawson, et al	"	D	606
Richard W. Dawson, et al	"	D	617
Ella L. Spickerman, et al	"	D	626
Francis M. Dawson,	"	D	627
Sarah J. Dawson,	"	D	629
John W. Graham, et al	"	D	33
Gideon Graham, et al	"	D	55
Mathew A. Painter, et al	"	D	836
Charles H. Bradshaw, et al	"	D	1134
Joe E. Graham, et al	"	D	1135
John F. Graham, et al	"	D	1136
Joe Willie Neal	"	D	1137
James M. Graham, et al	"	D	1138
Green W. Jackson, et al	"	D	591
James H. Harmon, et al	"	D	476
Roshie A. Jackson,	"	D	508
Lizzie Jackson, et al	"	D	830
William C. Lenox, et al	"	D	847
James Love, et al	"	D	844
Millie T. Dawson,	"	D	405

Tennessee Scoller, et al.,	Cherokee	D	496
Henry T. Richardson, et al.,	"	D	516
Rita Bender,	"	D	12
Wolfson A. Dawson,	"	D	13
Alonzo M. Fishback, et al.,	"	D	543
Hiram F. Vedula, et al.,	"	D	521
William C. Doolittle,	"	D	522
Florence Morgan, et al.,	"	D	737
John E. Fishback,	"	D	546
George A. Mabry, et al.,	"	D	578

D E C I S I O N.

It appears from the record herein that applications were made to this commission at the times and places hereinafter mentioned for the enrollment of the following named persons as citizens of the Cherokee Nation.

D 524 By Francis M. Dawson, son of Robert Dawson, at Vinita, Indian Territory, on September 17, 1900, for the enrollment of himself and his minor children, Lela, May, Jessie J., Jacob L., Wm. A. and Laura L. Dawson as citizens by blood, and for the enrollment of his wife Katie Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 30, 1902.

D 580 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 1, 1902.

D 581 By William M. Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his wife, Fannie Dawson as citizens by blood. Fannie Dawson has been differently classified and is not embraced in this decision.

D 584 By Andrew C. Atkins, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Lizzie Atkins and his minor children, Arthur, Edna B., Edward C. and George J. F. Atkins as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 30, 1902.

D 585 By Francis M. Dawson, Jr., son of Francis M. Dawson and grand son of Robert Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood.

D 335 By Francis M. Dawson, Sr., at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of his daughter Arizona Allred and his grand-son William C. Allred as citizens by blood.

D 350 By Samuel R. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his two minor children August and Mate Dawson, as citizens by blood, and for the enrollment of his wife Catherine Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 3, 1902.

D 352 By Robert Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by blood.

D 358 By Albert H. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his minor children Ralph H., Alford and Cecil Dawson as citizens by blood, and for the enrollment of his wife Sarah F. Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 3, 1902.

D 365 By August Bulawsky, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for his wife Josephine, and his minor children Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.

D 482 By John W. Dawson, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Nannie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 402 By Charles J. Newman, for the enrollment of his wife Katie Newman as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, 1902.

D 578 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his minor children Robert B., Iola M., Lemuel H., Rosa B., Charles B., Hattie J., Jennings B. and James U. Dawson as citizens by blood, and for his wife Sarah J. Dawson as a citizen by intermarriage. On November 20, 1901, an affidavit was filed for Vergal C. Dawson, a ninth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 20, 1902.

D 360 By Thomas P. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his minor child Marion J. Dawson as citizens by blood.

D 530 By Orle H. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his minor child, Burr R. Dawson as citizens by blood. On October 31, 1902, a birth affidavit was filed for James W. Dawson, a second child of the applicant.

D 408 By Robert Pierce, at Vinita, Indian Territory, on September

24, 1900, for the enrollment of himself and his minor child Myrtle as citizens by blood, and for the enrollment of his wife Nellie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902. On January 9, 1902, an affidavit was filed showing the birth of Arthur Pierce, a second child of the applicant.

D 409 By William Pierce, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D 431 By Charles E. Pierce, at Vinita, Indian Territory, on September 25, 1900, for the enrollment of himself as a citizen by blood.

D 471
D 472 By John B. Gray, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Oma Gray, his minor child, Cecil Gray, and his sister-in-law, Effie Pierce (now Effie Akins), as citizens by blood. John B. Gray is differently classified and is not embraced in this decision. Further proceedings were had in the matter of this application at Vinita, Indian Territory, on October 4, 1900, and at Muskogee, Indian Territory, on July 21, 1902. On February 18, 1903, an affidavit was filed showing the birth of Velton Gray, a second child of the applicant.

D 479 By John S. Bogle, at Vinita, Indian Territory, on October 2, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nancy J., and his minor children, James E., Edna N., John H., Marvin H. and Claud Bogle as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902. On October 31, 1902, a birth affidavit was filed for Nancy Edith Bogle, born since the date of this application.

D 364 By Joseph R. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his five minor children, Clarence E., Council J., Elmer A., Cleo, and Rufus T. Dawson, as citizens by blood, and for the enrollment of his wife, Florence Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 19, 1901, and at Muskogee, Indian Territory, on October 3, 1902. On October 19, 1901 an affidavit was filed showing the birth of Edgar Dawson, a sixth child of the applicant.

D 475 By Wilborn Dawson, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by blood.

D 518 By Charles T. Moore, at Vinita, Indian Territory, on October 4, 1900, for his enrollment as a citizen by intermarriage, and for the enrollment of his wife, Mollie, and his five minor children, Nora, Walter, Clara, Ora and James W. Moore as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 14, 1902, and on March 17, 1902, an affidavit was filed showing the birth of Edna E. a sixth child of the applicant.

D 832 By James R. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his three minor children, Vinnie D., Ermine C. and Edwin C. Dawson as citizens by blood, and for the enrollment of his wife, Martha A. Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 5, 1900, and at Muskogee, Indian Territory, on October 3, 1902, and on September 13, 1901, an affidavit was filed showing the birth of Ancil F. Dawson, a fourth child of the applicant.

D 833 By Henry A. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his minor child, Vinnie C. as citizens by blood, and for the enrollment of his wife, Birdie J. as a citizen by intermarriage. Birdie J. Blasingame is differently classified and is not embraced in this decision.

D 833 By Elbert L. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his three minor children Ellis F., Earl D. and Alexander Blasingame, Jr., as citizens by blood, and for the enrollment of his wife Ida, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 6, 1902. On October 31, 1902, a birth affidavit was filed for Elmer H., born since the date of this application.

D 834 By James R. Blasingame, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his two minor children, William A. and George L. Blasingame as citizens by blood, and for the enrollment of his wife, Mary A. Blasingame as a citizen by intermarriage. On February 28, 1901, an affidavit was filed showing the birth of Grace D. Blasingame, a third child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.

D 435 By Martin L. Patterson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Zona, and his five minor children, Sarah A., Martha A., Claud A., Edgar D. and Thomas M. Patterson, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 4, 1902, and on October 23, 1901, an affidavit was filed showing the birth of Virgil V., sixth child of the applicant.

D 604 By William C. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Alice as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 3, and October 10, 1902.

D 605 By Robert L. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood.

D 608 By Elbert B. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood. On July 8, 1901, an affidavit was filed showing the birth of Ralph E. Dawson, a child of the applicant.

D 609 By Sarah J. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 15, 1902.

D 617 By Richard W. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself and his minor child Ina E. as citizens by blood, and for the enrollment of his wife, Luella as a citizen by intermarriage. Luella Dawson is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, 1902.

D 626 By Ella L. Spickerman, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of herself and her minor child, Helen J. Spickerman, as citizens by blood, and for the enrollment of her husband, John J. Spickerman as a citizen by intermarriage. John J. Spickerman is differently classified and is not embraced in this decision. On March 8, 1902, an affidavit was filed for William Glenn Spickerman, a second child of the applicant.

D 627 By Francis M. Dawson, son of Elbert Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself as a citizen by blood.

D 33 By John W. Graham, at Fairland, Indian Territory, on July 12, 1901, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Missouri and his minor children Tessa V. and Robert S. Graham, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2, 1902.

D 35 By Gideon Graham, at Westville, Indian Territory, on July 16, 1900, for the enrollment of himself and his minor children, John W., Julius E., Francis W., Mary E., Jesse E., Gracie L. and Florence M. Graham as citizens by blood, and for the enrollment of his wife Elizabeth Graham, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902.

D 836 By Mathew A. Painter, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverna A. and his five minor children Ada R., Eva P., John F., Ray D., and Roberta A. Painter, as citizens by blood. On December 7, 1900, an affidavit was filed for Roy V. Painter, a sixth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2 and 3, 1902.

D1124 By Charles T. Bradshaw, at Muskogee, Indian Territory, on February 25, 1901, for the enrollment of himself as a citizen by intermarriage, and for his wife Florence P. and his minor children, Myrtle and Claude Bradshaw as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 20, 1902.

D1125 By Joe E. Graham, at Muskogee, Indian Territory, on Febru-

ary 25, 1901, for the enrollment of himself and his minor child William C, as citizens by blood.

D1126 By John F. Graham, at Muskogee, Indian Territory, on February 25, 1901, for the enrollment of himself and his minor child Edna M, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902. On October 31, 1902, a birth affidavit was filed for Robert Lee Graham, a second child of the applicant.

D1127 By James Neal, at Muskogee, Indian Territory, on February 25, 1901, for the enrollment of his wife, Joe Willie Neal, as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D1128 By James M. Graham, at Muskogee, Indian Territory, on February 25, 1901, for the enrollment of himself and his minor children, Marion, Maggie, Luther, Liddie and Margaret Graham as citizens by blood, and for the enrollment of his wife Bessie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902. On October 27, 1902, a birth affidavit was filed for Floyd Graham, born since the date of this application.

D 395 By Green W. Jackson, at Vinita, Indian Territory, on September 22, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Ella Jackson as a citizen by blood.

D 476 By James H. Harmon, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Flora and his minor children, Lillie R., Claud, Dwight, and William D. Harmon, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902.

D 508 By Tommie A. Jackson, at Vinita, Indian Territory, on October 3, 1900, for his enrollment, among others, as a citizen by blood. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 7, 1900.

D 830 By Lizzie Jackson, at Chelsea, Indian Territory, on November 13, 1900, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children Osie, Lizzie, Jessie, Ray and Clyde Jackson as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 847 By William C. Lenox, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Fannie and his minor children Birtie E. and Myrtle Lenox as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 859 By James Lowe, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his minor children, May, Zelma, Roberta and Rosa Lowe as citizens by blood.

D 405 By Millie T. Dawson, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 13, 1902.

D 406 By Texanna Woolley, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself and her minor child Irene W. Woolley as citizens by blood. On March 27, 1902, an affidavit was filed showing the birth of Wilburn E. Woolley, a second child of the applicant.

D 715 By Henry T. Richardson, at Claremore, Indian Territory, on October 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Kitty, his minor children Delia F. and Finis T. Richardson and his stepchildren, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flournoy as citizens by blood. Florence Flournoy is embraced in another application herein as Florence Morgan (D - 737). Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902, and on August 20, 1902, a birth affidavit was filed for Jasper C. Richardson, born to Henry T. Richardson and his wife, Kittie, since the date of this application.

R 12 By Etta Brauer, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by blood.

R 13 By Melissa A. Dawson, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by intermarriage.
Further proceedings in the matter of said application were had at Vinita, Indian Territory on October 4, 1900, and at Muskogee, Indian Territory, on October 14, 1902.

D 521 By Lula Pearl Weddle, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of herself and her minor children Curtis and Morris O. Weddle as citizens by blood, and for the enrollment of her husband, Hiram F. Weddle as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 14, 1902. October 31, 1902, a birth affidavit was filed showing the birth of Roy Weddle, a third child of the applicant.

D 522 By William D. Douthitt, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself as a citizen by blood.

D 547 By Alonzo M. Fishback, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Laverna A. Fishback and his minor children William A. and Annie B. Fishback as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 3, 1902.

D 737 By Elbert L. Morgan, at Claremore, Indian Territory, on October 29, 1901, for the enrollment of his wife Florence and his minor child Clide as citizens by blood. On April 30, 1902, an affidavit was filed showing the birth of Alice A. Morgan, a second child of the applicant.

R 348 By John B. Pinkham, at Muskogee, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by blood.

R 349 By George A. Mabry, at Tahlequah, Indian Territory, on December 14, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nina, and his minor children Roby and Charley Mabry as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, January 15, 1901, and March 17, and October 15, 1902.

Proceedings were had in the matter of F. M. Dawson, et al., before Lewis T. Martin, a Notary Public on October 4, 1900, and further proceedings were had therein before the Commission at Muskogee, Indian Territory on March 17, 1902. All of these proceedings have been made a part of the record herein.

The evidence, and an examination of the records of the Cherokee Nation, in the possession of this Commission show that on January 11, 1883, one Robert Dawson and his adult children, F. M. Dawson, Elbert Dawson, Jasper Dawson, Mollie Dawson, Wilborn Dawson, James Dawson, Rial Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson and John Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship, commonly known as the "Teehee Court", and that on September 9, 1884, one James Dawson, a brother of the Robert Dawson aforesaid, together with his adult children, Ella Dawson, W. A. Dawson, Malvina Dawson and Missouri Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship commonly known as the "Spears Court." In addition to their tribal enrollment as shown by the evidence herein, it also appears from an examination of the Cherokee tribal rolls, in the possession of this Commission, that F. M. Dawson is identified on the Cherokee pay rolls of 1883 and 1894, Elbert Dawson on the Cherokee pay roll of 1883, Mollie Dawson on the pay roll of 1883, Wilborn Dawson on the pay rolls of 1883 and 1894, James Dawson on the pay rolls of 1883 and 1894, Rial Dawson on the pay rolls of 1883 and 1894, Josephine Dawson on the pay roll of 1883, Jane Dawson on the pay roll of 1883, Joseph Dawson and John Dawson on the pay rolls of 1883, 1883 and 1894, Ella Dawson and W.A.

Dawson on the pay roll of 1880, and Missouri Dawson on the pay roll of 1894.

A majority of the above named persons, together with the descendants of the persons admitted as aforesaid and such white persons as may have intermarried with the said Dawsons or their descendants are the applicants herein.

For convenience, the applications are divided into groups:

Group 1, includes the applications of Francis M. Dawson and those claiming through him and embraces cases numbered D 324, D 530, D 531, D 534, D 536 and D 538.

The evidence shows that Francis M. Dawson is the same person admitted to citizenship as hereinbefore stated under the name of F.M. Dawson. Katie Dawson, his wife, was married to him on November 21, 1880. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married, and the six children included in the application of said Francis M. Dawson, and hereinbefore named are the issue of the marriage aforesaid. All the applicants herein are identified on the Cherokee Census roll of 1896.

John Dawson, William R. Dawson, Lizzie Atkins, formerly Dawson, Francis M. Dawson, Jr., and Arizona Allred are the children of said Francis M. Dawson by a former wife, Julia Ann. They were minors at the date of their father's admission to citizenship. John Dawson, Lizzie Atkins and Francis M. Dawson, Jr., are identified on the Strip Payment roll of 1894, and William R. Dawson and Arizona Allred are identified on the Cherokee Census roll of 1896.

Andrew C. Atkins was married under a Cherokee marriage license

and in accordance with the laws of the Cherokee Nation on March 28, 1891, to the above named Lizzie Dawson. He has resided in the Cherokee Nation with his said wife since they were married, and the four children included in his application, and hereinbefore named are the issue of that marriage. The oldest child, Arthur, is identified on the Cherokee pay roll of 1894, and the three younger children are identified by birth affidavits on file with this Commission.

Arizona Allred, nee Dawson, came from Arkansas to the Cherokee Nation for the first time in 1894, remained there about two years and then returned to Arkansas, where she was married to Len Allred. Such marriage was not in accordance with the laws of the Cherokee Nation. Arizona Allred and her husband came to the Cherokee Nation in 1896, stayed there a month and returned to Arkansas where they remained until September, 1898, at which time they came to the Cherokee Nation, remained there about a year and returned to Arkansas in 1899, where they were living at the date of this application. William C. Allred is the child of said Arizona Allred and possesses no rights not acquired by his mother. He is identified on the Cherokee Census roll of 1896.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides:

> "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The evidence further shows that Francis M. Dawson, his wife, Katie and William R. Dawson, Francis M. Dawson, Jr., and Lizzie Atkins have resided in the Cherokee Nation since 1883, and Andrew C. Atkins, the husband of said Lizzie Atkins, since 1891, and that John Dawson has resided in the Cherokee Nation for at least fourteen years prior to the date of his application. The residence of the minor children of the above named persons is considered to be that of their parents, with whom they are living.

Group II, includes the applications of Samuel R. Dawson, together with those claiming through him and embraces cases numbered D 350, D 352, D 356, D 365, D 402 and D 402.

The evidence shows that Samuel R. Dawson is identified as the Rial Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. His wife, Catherine, a white woman, was married to him on July 11, 1866. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since their marriage, and August and Mate Dawson are the issue of the aforesaid marriage. Samuel R. Dawson, his wife and children are identified on the Cherokee Census roll of 1896.

Robert Dawson, Albert H. Dawson, Josephine Bulawsky, formerly Josephine Dawson, John W. Dawson, and Katie Newman, formerly Katie Dawson are the children of said Samuel R. Dawson. They were minors at the date of their father's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Sarah F. Dawson, nee Abbott, was married to the said Albert H. Dawson in October, 1894. She has lived with her said husband, since they were married. Ralph H., Alford and Cecil Dawson are the issue of that marriage. Sarah F. Dawson and her child Ralph H. are identified on the Cherokee Census roll of 1896. Alford is identified by a birth affidavit on file with this Commission. The evidence further shows that the youngest child, Cecil Dawson, is dead.

August Bulawsky, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 25, 1893, to the said Josephine Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. The

four older children are identified on the Cherokee Census roll of 1896, and the Strip payment roll of 1894. May Bulawsky is identified on the Cherokee Census roll of 1896, and Oscar Bulawsky is identified by a birth affidavit on file with this Commission.

Hannie Dawson, nee Baugher, was married to the said John W. Dawson on September 8, 1894, and she has lived with her said husband since they were married.

The evidence further shows that Samuel R. Dawson, his wife, Catherine, and Robert Dawson, Albert H. Dawson, John W. Dawson, and Katie Newman have resided in the Cherokee Nation since 1836, August Bulawsky and his wife Josephine, since 1892, and Sarah F. and Hannie Dawson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group III, includes the application of John Dawson, and those claiming through him and embraces cases numbered D 578, D 360 and D 530. The evidence shows that John Dawson is the same person admitted to citizenship in the Cherokee Nation as hereinbefore stated. Sarah J. Dawson, nee Wood, his wife, a white woman, was married to him on October 4, 1871. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married and the nine children included in the application of said John Dawson, and hereinbefore named, are the issue of said marriage. John Dawson, his wife, and his seven older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Thomas P. Dawson and Orie H. Dawson are the children of said John Dawson. They were minors at the date of their father's admission to citizenship, and they are both identified on the Cherokee

Census roll of 1896.

Thomas P. Dawson was married on April 24, 1898, to Allen A. Allison, and Marion J. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Orlo M. Dawson was married on December 28, 1899, to Addie York, and Burr R. and James W. Dawson are the issue of that marriage. The said children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John Dawson and his wife, Sarah J., have resided together in the Cherokee Nation since 1883; that said Orlo M. Dawson has resided in the Cherokee Nation since 1883, and that Thomas P. Dawson has resided in the Cherokee Nation since 1888. The residence of the minor children herein is considered to be that of their parents, with whom they are living.

Group IV, includes the applications of those claiming through the said Josephine Dawson, now deceased. At the time of her admission she was the wife of one Thomas Pierce, but was admitted to citizenship under maiden name of Dawson. The group embraces cases numbered D 408, D 409, D 431, D 471, D 472 and D 479.

The evidence shows that Robert Pierce, William Pierce, Charles K. Pierce, Oma Gray, formerly Oma Pierce, Effie Pierce (now Effie Akin) and Nancy J. Bogle, formerly Nancy J. Pierce are the children of said Josephine Dawson. They were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Nellie Pierce, a white woman, was married to said Robert Pierce on July 15, 1894. She has lived with her said husband since they were married, and Myrtle and Arthur Pierce are the issue of that marriage. Nellie Pierce is identified on the Cherokee Census roll of 1896, and her two children are identified by birth affidavits on file with this Commission.

Ora Gray was married to John B. Gray on April 7, 1898, and Cecil and Walton Gray are the issue of that marriage. Ora Gray is identified on the strip payment roll of 1896 and her children are identified by birth affidavits on file with this Commission.

John S. Bogle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 5, 1894, to the above named Nancy J. Pierce. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. John S. Bogle and his two older children are identified on the Cherokee Census roll of 1896, and his four younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said William Pierce died in January, 1902.

It further appears that Robert Pierce, Charles E. Pierce, Nancy J. Bogle and Ora Gray have resided in the Cherokee Nation since 1884; that John S. Bogle, husband of Nancy J. Bogle, and Nellie Pierce, wife of Robert Pierce, have resided in said Nation ever since they were married, and the residence of the minor children herein is considered to be that of their parents with whom they are living. It appears that Effie Akin was seventeen years old at the date of the application for her enrollment, and it further appears that she resided in the Cherokee Nation from about 1886 up to December, 1900, when she went to Colorado, was married there to Will Akin, and is now living in that state with her said husband.

Group V, includes the application of the said Joseph Dawson, Wilborn Dawson and James Dawson, and embraces cases numbered D 364, D 475 and D 526.

Joseph R. Dawson is identified as the Joseph Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. He was married to Florence Jackson on May 16, 1886, and they have lived to-

gether since the date of their marriage. The said Florence Jackson is the daughter of Ella Dawson, but she was of age at the date of her mother's admission to citizenship. The six children included in the application of said Joseph R. Dawson, and hereinbefore named, are the issue of the marriage between the said Joseph R. Dawson and Florence Jackson. The applicant, his said wife and his four minor children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Wilborn Dawson is identified as the person of that name admitted to citizenship in the Cherokee Nation as hereinbefore stated. He is identified on the Cherokee Census roll of 1896.

James R. Dawson is identified as the James Dawson admitted to citizenship in the Cherokee Nation as heretofore stated. His wife, Martha A. Dawson was married to him on February 20, 1890. She has lived with her said husband since the date of their marriage, and the four children included in the application of said James R. Dawson, and hereinbefore named, are the issue of said marriage. The applicant, his said wife and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

The evidence further shows that Joseph R. Dawson has resided in the Cherokee Nation since 1883; that Florence Dawson and Wilborn Dawson have resided in said Nation since 1886; and that James R. Dawson has resided in said Nation since 1883, excepting a temporary absence from 1889 to 1891. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VI, includes the application of Mollie Dawson and those claiming through her and embraces case numbered D 518.

The evidence shows that Mollie Moore, formerly Dawson, is identified as the Mollie Dawson admitted to citizenship in the Cherokee

Nation as hereinbefore stated. Her husband, Charles T. Moore, was married to her under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on January 17, 1887. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of said marriage. Charles T. Moore, his wife Mollie, and his four older children are identified on the Cherokee Census roll of 1896; the two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that said Charles T. Moore, his wife Mollie and his oldest child have resided in the Cherokee Nation since 1883; the younger children have resided in said nation all their lives.

Group VII, includes the applications of those claiming through the above named Jane Dawson, who, at the time of her admission to citizenship in the Cherokee Nation, as hereinbefore stated, was the wife of one Alexander Blasingame, but she was admitted under her maiden name of Dawson. Jane Dawson is a resident of Arkansas, and is not an applicant for enrollment. This group embraces cases numbered D 832, D 833 and D 834.

The evidence shows that Henry A. Blasingame, Elbert L. Blasingame, and James R. Blasingame are the children of said Jane Dawson. They were minors at the time of their mother's admission to citizenship and they are all identified on the Cherokee Census roll of 1896.

Henry A. Blasingame was married to his wife Birdie J., on December 6, 1896, and Vinnie C. Blasingame is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Ida Blasingame, a white woman, was married to the said Elbert L. Blasingame on September 5, 1894. She has lived with her said husband ever since they were married and the four minor children included in the application of said Elbert L. Blasingame are the

issue of that marriage. The said Ida Blasingame and her two older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Mary A. Blasingame was married to the said James R. Blasingame on August 11, 1895. She has lived with her said husband since they were married and the three minor children included in the application of said James R. Blasingame, and hereinbefore named, are the issue of that marriage. Mary A. Blasingame and her oldest child are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said Henry A. Blasingame, Elbert L. Blasingame and James R. Blasingame removed to the Cherokee Nation in 1897 and have resided therein with their said wives ever since. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VIII, includes the applications of those claiming through the said Elbert Dawson, and embraces cases numbered D 435, D 604, D 608, D 605, D 609, D 617, D 626 and D 627.

The evidence shows that Zona Patterson, formerly Dawson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Richard W. Dawson, Ella L. Spickerman, formerly Dawson, and Francis M. Dawson are the children of the said Elbert Dawson. All of them, excepting the said Francis M. Dawson, were minors at the time of their father's admission to citizenship. Zona Patterson is identified on the Cherokee Census roll of 1896, and William C. Dawson, Robert L. Dawson, Elbert B. Dawson and Richard W. Dawson are identified on the Strip payment roll of 1894. An examination of the Cherokee tribal rolls, in the possession of this Commission, shows that the said Ella L. Spickerman is also identified on the Strip payment roll of 1894.

Martin L. Patterson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 13, 1890, to the said Rena Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. Martin L. Patterson and his three older children are identified on the Cherokee Census roll of 1896, and his three younger children are identified by birth affidavits on file with this Commission.

Alice Dawson, nee Alexander, was married to the said William C. Dawson on November 18, 1886. She has lived with her said husband ever since they were married.

Elbert B. Dawson was married on February 16, 1898, to Cora Bright, a non-citizen, and his child Ralph E. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Sarah J. Dawson, nee Jones, was married to the above named Elbert Dawson about 1854, and lived with him as his wife until his death in February, 1898, and has not re-married since his death. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

Richard W. Dawson was married to Luella Mason, a white woman, on January 24, 1898. His child Ina E. Dawson is the issue of that marriage, and she is identified by a birth affidavit on file with this Commission.

Ella L. Spickerman was married to John J. Spickerman, a white man on September 7, 1897. Her children Hellen J. and William Glenn are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

It further appears from the evidence that Francis M. Dawson, son of Elbert Dawson, at the time of his father's admission to citizen-

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1898 (30 Stats., 331), Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of,

> "all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1883, Alice Dawson since 1836, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson, This group embraces cases numbered D 33, D 835, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1888, to the said Missouri Dawson. He had been [illegible] the State of Texas in 1866, and has lived with her since that time. Temple V. and Robert S. Graham are the issue of [illegible] marriage. John W. Graham, his wife and two children are identified on the Cherokee Census roll of 1896.

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321). Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of,

> "all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson, and Ella L. Spicherman since 1883; Alice Dawson since 1886, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered, D 33, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on February 15, 1878, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1866, and has lived with her since that time. Thomas V. and Robert S. Graham are the issue of the aforesaid marriage. John W. Graham, his wife and two children are identified on the Cherokee census roll of 1896.

Joe B. Graham was married to Mary Bradshaw, a non-citizen on January 6, 1898. William C. Graham is the issue of that marriage, and he is identified by a birth affidavit on file with this Commission.

John F. Graham was married on February 11, 1900, to Mattie Lawson, a non-citizen, and Edna M. and Robert Lee are the issue of that marriage. Said children are identified by birth affidavits on file with this Commission.

Bessie Graham was married on November 2, 1892, to the said James M. Graham. She has lived with him since the date of their marriage, and the six children included in the application of said James M. Graham, and hereinbefore named, are the issue of the said marriage. The oldest child Marion is identified on the Strip payment roll of 1894, and the five younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John W. Graham, his wife Missouri Graham, Gideon Graham, Mathew A. Painter, and his wife Laverna A. Painter, Florence P. Bradshaw, John F. Graham and Joe Willie Neal have resided in the Cherokee Nation since 1888, and that Joe F. Graham and James M. Graham have resided in the Cherokee Nation since 1884. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group X, includes the application of the said Ella Dawson and those claiming through her. The said Ella Dawson, at the time of her admission to citizenship, was the wife of Green W. Jackson, but she was admitted to citizenship under her maiden name of Dawson. This group embraces cases numbered D 395, D 476, D 508, D 830 and D 847.

The evidence shows that Green W. Jackson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on March 24, 1867 to the said Ella Dawson. He had been previously married to her in Texas prior to her admission to

citizenship. From an affidavit made a part of this record it appears that Green W. Jackson died subsequent to the date of this application, and prior to September 1, 1902.

The evidence further shows that Flora Harmon, formerly Jackson, Teshie A. Jackson, William Jackson and Fannie Lenox, formerly Jackson are the children of said Ella Dawson, now Ella Jackson. Flora Harmon, Teshie A. Jackson and Fannie Lenox were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

James H. Harmon was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 24, 1887, to the said Flora Jackson. He has lived with his wife since the date of their marriage, and the four minor children included in his application, and hereinbefore named, are the issue of the said marriage. James H. Harmon and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

William C. Lenox was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 1, 1888, to the said Fannie Jackson. He has lived with his wife since the date of their marriage, and the two children Birtie E. and Myrtle Lenox, included in his application, are the issue of the said marriage. William C. Lenox and his two children are identified on the Cherokee Census roll of 1896.

Lizzie Jackson claims to have been married in 1888 to the said William Jackson, who is now deceased. It appears that William Jackson at the date of his mother's admission to citizenship, was over twenty-one years old. There is no evidence that the said William Jackson was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission

to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Lizzie Jackson and the five minor children included in her application, and hereinbefore named, are identified on the Cherokee Census roll of 1896, and they take only such rights as may have been possessed by the said William Jackson. The authority of the Commission herein is defined in Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

The evidence further shows that the said Ella Jackson, the said Flora Harmon and the said Toshie A. Jackson have resided in the Cherokee Nation since 1884, and that William C. Lenox, and his wife Fannie Lenox have resided in the Cherokee Nation since 1888. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XI, includes the applications of those claiming through Malvina Dawson and embraces case numbered D 839.

The evidence shows that James Lowe is the son of the said Malvina Dawson, and that at the time of her admission to citizenship the said James Lowe was over 21 years old. There is no evidence that the said James Lowe was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). It further appears that the said James Lowe was married on June 12, 1887, to Mollie Knight, a white woman, and the four minor children included in his application and hereinbefore named, are the issue of that marriage. James Lowe and his said children are identified on the Cherokee Census roll of 1896 and said children take only the rights which may have been acquired by their father.

The authority of the Commission herein is defined in Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

Group XII, includes the applications of those claiming through the said W. A. Dawson and embraces cases numbered D 405, D 406, D 718, R 12 and R 13.

The evidence shows that Millie T. Dawson was married to the said W. A. Dawson in 1892 and lived with him as his wife in the Cherokee Nation until his death in 1899, and that she has not re-married since his death. Texanna Woolley is the daughter of said W. A. Dawson and his former wife Melissa A. Dawson. Texanna Woolley was a minor at the date of her father's admission to citizenship, and she is identified on the Strip payment roll of 1894. She was married on March 27, 1898, to James Woolley, and her children Irene W. and Wilburn E. are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

Henry T. Richardson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 11, 1886, to one Sellar Dawson, who was the daughter of the said W. A. Dawson by his first wife Melissa A. Sellar Dawson was a minor at the date of her father's admission to citizenship. Henry T. Richardson lived in the Cherokee Nation with his said wife Sellar from the date of their marriage until her death in 1892. On September 22, 1898, Henry T. Richardson married one Fitty Flournoy nee Dawson. The said Fitty Flournoy was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Of the children herein applied for, Delia F. Richardson is the child of the applicant by his first wife, Sellar. Finis T. Richardson and Jasper C. Richardson are children by his wife Fitty. Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy are the children of his said wife Fitty by a former husband.

The six older children were admitted to citizenship in the Cherokee Nation on December [illegible], 1894, with their mother as the members of her family. The youngest child Edna Flournoy was born in 1896 and was living at the date of this application. Delia F. Richardson is identified on the Cherokee Census roll of 1896, and Finis T. and Jasper C. Richardson are identified by birth affidavits on file with this Commission.

Etta Brauer is the daughter of said W. A. Dawson, and was a minor at the date of her father's admission. She was married in 1892 to a non-citizen but such marriage was not in accordance with Cherokee laws. She is identified on the Cherokee Census roll of 1896.

Melissa A. Dawson was married to the said W. A. Dawson in the State of Texas on September 28, 1873. The Supreme Court of the Cherokee Nation in the case of Melissa A. Dawson vs. W. A. Dawson, decided that Melissa A. Dawson, the applicant herein was a citizen of the Cherokee Nation by virtue of intermarriage with her said husband, W. A. Dawson. She is identified on the Cherokee Census roll of 1896, and she has not re-married since her divorce from said W. A. Dawson.

The evidence shows that Texanna Woolley has resided in the Cherokee Nation since 1884; that Etta Brauer and Melissa A. Dawson have resided in the Cherokee Nation, with the exception of temporary absences, since 1884; that Millie T. Dawson has resided in the Cherokee Nation since 1892; that Henry T. Richardson has resided in the Cherokee Nation since 1886, and that Kitty Richardson, his wife, has resided in the Cherokee Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XIII, includes the following applications: Hiram F. Weddle, et al D 521; William D. Douthitt, D 522; Alonzo M. Fishback, D 543; Florence Morgan, et al D 737; John E. Fishback, D 845 and George A. Mabry, et al D 979. The persons embraced in these appli-

cations are related to the above named Dawsons. They are not claiming the right to enrollment by virtue of such relationship, but rely upon a separate adjudication of their rights.

The evidence shows that Hiram F. Weddle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on September 13, 1884, to Lula P. Douthitt, who was admitted to citizenship in the Cherokee Nation by the said "Spears Court" on September 13, 1884. Curtis, Morris O. and Roy Weddle are the issue of the said marriage. Hiram F. Weddle and his said wife are identified on the Cherokee Census roll of 1896, and their three children are identified by birth affidavits on file with this Commission.

William D. Douthitt is the brother of said Lula P. Weddle, and was admitted to citizenship in the Cherokee Nation with his said sister on September 13, 1884. He is identified on the Cherokee Census roll of 1896.

Alonzo M. Fishback was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 17, 1891, to Laverna A. Dawson. He had been previously married to the same wife in Texas in 1877, and has lived with her ever since. It appears that Laverna Fishback was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. William A. and Annie B. Fishback are the issue of the said marriage. Alonzo M. Fishback and his said wife and children are all identified on the Cherokee Census roll of 1896, and his wife is also identified on the Cherokee pay roll of 1890.

Florence Morgan, the wife of Elbert L. Morgan, is the daughter of the Kitty Richardson heretofore mentioned and was admitted to citizenship in the Cherokee Nation on December 1, 1894 with the said Kitty Richardson as a member of her family. Clide and Alice A. Morgan are her children by her said husband. The said children are

identified by birth affidavits on file with this Commission.

John R. Fishback is the son of Laverna Fishback, who was re-admitted to citizenship on December 1, 1894, as heretofore stated. He was a minor at the date of his mother's admission to citizenship and he is identified on the Cherokee Census roll of 1896.

George A. Mabry was married to one Edna Dawson in the State of Arkansas in 1884. He claims to have been married under a Cherokee marriage license to his said wife in 1889, but he presents no satisfactory proof of such marriage. Edna Dawson was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Roby and Charley Mabry are her children by her said husband, George A. Mabry. Edna Mabry is identified on the strip payment roll of 1894, and the two children were minors at the date of their mother's admission to citizenship.

The evidence further shows that Alonzo H. Fishback and his wife Laverna A. Fishback have resided in the Cherokee Nation since 1883; that Lula P. Weddle, William D. Douthitt, and John R. Fishback have resided in the Cherokee Nation since 1884, and that Florence Morgan and Edna Mabry have resided in said Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

All birth affidavits for the minor children embraced in this decision, and hereinbefore noted, are made a part of this record.

It is contended by the Cherokee Nation that the applicants herein are not entitled to be enrolled by this Commission because they have never been lawfully admitted or enrolled by the Cherokee authorities, and that the judgment of the Cherokee Commission on Citizenship and that Robert Morgan and his family was obtained by fraud on the part of said [illegible]

In considering the question at issue, it is the opinion of this Commission that it has no power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and were passed upon by that Commission. In United States vs. Throckmorton, 98 U.S. Page 61, it is stated, "the doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment assailed." Only such facts therefore, are considered by this Commission, as were not part of the record in the Robert Dawson case before the Teehee Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Teehee Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment.

Briefly stated, the circumstances attending the admission of the Dawsons appear to be as follows:

On September 24, 1881, an application was made to the Cherokee Commission on Citizenship known as the "Teehee Court" for admission to Cherokee citizenship of Robert Dawson and the members of his family above mentioned. The members of that Commission were Thomas Teehee, Alex Wolfe and T. F. Thompson. The first two were full blood Cherokee Indians; they could understand, but could not talk English. One D. W. C. Duncan was the Clerk of the Commission. The Dawson case was continued several times before final decision. J. M. Bryan appears to have been an attorney in the case, and after some delay he notified Francis M. Dawson that the case would be taken up by the Commission at its session in January, 1883, and also informed him that C.H.Taylor would look after Dawson's interests as he, Bryan,

would be in Washington. On receipt of this notice Francis M. Dawson went to Fort Gibson, Cherokee Nation, and made arrangements with his uncle Samuel H. Benge to go to Tahlequah and conduct the case. Benge who is a witness herein testifies that he was connected with the Dawson case when it was commenced in 1881; that it was continued several times for want of evidence, and that in January, 1883. in company with F. M. Dawson he went to Tahlequah and while there secured the testimony of Tosh Rogers, a negro, who knew the Dawson's ancestors, and that after getting his evidence the case was submitted to the Commission. He further testifies that the Commission rendered a decision against the Dawsons and that next morning, the Commission reopened the case, but not upon motion of the witness and rendered a judgment admitting the Dawsons to citizenship. He further states that on his way home to Fort Gibson with Dawson he remarked to the latter, "it was a pretty hard blow when they rendered a decision against us," to which Dawson is alleged to have replied, "yes, but Duncan was the man to reach and he reached him with five hundred dollars."

Dawson denies ever having had such a conversation and says that he did not return to Fort Gibson with Benge but went home to Arkansas by a different route.

C. H. Taylor testifies that he was an attorney in the case and was present when the case was decided. He says there were only two Commissioners present Teehee and Wolfe. He further testifies that D. W. C. Duncan, the Clerk of the Court asked the witness to let him know when any large citizenship cases came up that he introduced F. M. Dawson to Duncan on the evening of January 10th, heard part of a conversation between them in which Duncan addressing Dawson said, "there is a hitch in your evidence, if that was straightened out it will be all right." Next morning witness says Dawson told him to call up the case, which he did. That there was no additional

evidence introduced and no argument made, and that the case was then decided in favor of the Dawsons. Witness further testifies that Dawson gave him twenty dollars and said he would send him the balance in a short time, that in the course of ten days he sent him one hundred dollars with directions to pay over half of it to Duncan; that Dawson soon afterwards sent him another hundred dollars with the same instruction to give Duncan half of it.

Dawson denied the matters testified to by Taylor excepting in the matter of paying Taylor money, which he admits in part, but says that the twenty dollars mentioned was sent to Taylor about a year after the decision, and that he instructed Taylor to pay it over to Duncan to pay him for a land claim, and that the other money was in payment of J. M. Bryan's attorney fees which Taylor represented to Dawson he had for collection against him. Taylor's reputation for truth and veracity has been impeached by various disinterested witnesses.

The evidence which may be considered as tending to support the charge of fraud is the testimony of S. M. Denge, C. H. Taylor, Thomas J. Babcart, J. L. Clinkenbeard, James W. Lewis, C. G. Draught and David Meredith.

S. M. Denge testifies that a judgment adverse to the Dawsons was rendered by the Commission on the evening of one day and without any additional proceedings in the case that judgment was reversed on the morning of the next day.

Even if this were a material fact, there is no other proof that two judgments in the case were ever rendered. The record of the proceedings and judgment in the Commission's docket is all on one page, the entry of the application in 1881 and the first continuance being entered under authority of a former Commission and by a different clerk, and there is no evidence of erasure on that page. It is not an unusual thing for a Court to change its judgment, and this fact, if it is a fact, is not in itself any evidence of fraud.

Thomas B. Dabeart testifies that one James Dawson, a man of forty or fifty years of age, in company with Butler, the Commission's interpreter and Jim Smith, solicitor for the Nation, came to the witness in Tahlequah the evening of January 10, 1883, to borrow some money; that Dawson was vouched for by Butler as a responsible party and that Dawson told the witness that he had to have money that night, that his case was to be submitted the next day if he could get some money, that Smith had agreed to submit the case without evidence, and that witness thereupon let Dawson have ten dollars.

Admitting all this to be true and that the influence of these officials was purchased for the sum of ten dollars, the Commission fails to see how these alleged facts show that the Court was imposed upon or misled. Bribery of officials to use their influence with the Commission would not necessarily vitiate the judgment, but it must appear that the fraud, or corruption reached the members of the Commission and tainted the judgment itself. The case was not submitted without evidence as appears from the record, and it is shown that such evidence was carefully considered by that Commission. Furthermore, the evidence shows that there was no such person then in Tahlequah as the James Dawson described by witness.

Clinkenbeard testifies that he had a talk with Elbert Dawson about 1881; that Dawson told him he had only one witness, Dr. Baker of Arkansas, "an old man 85 or 90 years old who did not know straight up" and that he could give Dr. Baker four drinks of Arkansas whiskey and he would swear black was white. Witness further testifies that Dawson told him that money was what made the mare go in Texas, and that he had found out that it goes here too.

Assuming that this Commission can go into thequestion of perjury in connection with evidence in that case, the testimony of Clinkenbeard establishes, if anything, only the facts stated, and does not prove that Dr. Baker committed perjury in giving his testi-

many before the Commission. Further, it is not clear that Dr. Baker was the only witness in the case. Benge stated that Tosh Rogers was a witness, Duncan is under that impression also, and T. F. Thompson, one of the Commissioners, states that he thinks there were three witnesses. The testimony of Dr. Baker, seems, however, to be the only testimony preserved of record. As to whether Doctor Baker offered perjured testimony by Dawson's procurement, it is proper to state that the evidence of W. H. Curtis and A. S. McClennon, witnesses for applicants, show that Doctor Baker was a man of integrity and was not addicted to drinking.

The testimony of James W. Lewis is to the effect that he had a conversation with F. M. Dawson about 1883, in which Dawson had told the witness that it had cost him seven hundred dollars to get his rights. Draught also testifies that he was an applicant for citizenship about 1881 or 1882, and that while his case was pending he had a talk with F. M. Dawson who told him that if he (the witness) ever got in, it would cost him seven hundred dollars, and that Dawson told him he had paid one witness three hundred dollars, and made arrangements with the Court to get the Dawsons in at one hundred dollars a family. David Meredith testifies that he had a talk with old James Dawson in 1886, and that the latter told the witness it cost him twelve hundred dollars to get his case through.

It can hardly be urged that such evidence is sufficient to show that the members of the Texas Commission were corrupted by the fraudulent use of money. So far as these witnesses have been able to testify the money spent by the Dawsons might have been for proper and legitimate purposes. F. M. Dawson gives a detailed statement of what the case cost him and his brother in a legitimate way. The presumption can not be indulged that such moneys were used for fraudulent purposes and the proof to the contrary must be very clear

before this Commission will deny applicants the right to be enrolled upon that ground.

Admitting the truth of all the testimony in this case as to the actual transfer of money by the Dawsons, it appears that Duncan, Butler and Smith were the only beneficiaries of that money. There is no evidence that the members of the Commission received or were offered any of it.

The judgment entered in the Commission's docket shows the signature of the three members of the Commission appended thereto. There is some conflict as to whether Duncan signed Thompson's name, or whether Thompson affixed his own signature. Duncan testified that all three signatures were made by him as Clerk under authority of the Commissioners present, the two full bloods being unable to sign their names. T. F. Thompson testifies that he signed the original transcript of the judgment, which was made on the day of its rendition. The question, however, is not considered to be very material. The signing of judgments by each Commissioner appears to have been a matter of custom only. T. F. Thompson testifies that he remembers the Dawson case and recognizes the judgment therein as the final judgment of the Commission, and that there was no fraud or corruption in the procurement of that judgment by the Dawsons or by any one else so far as he knew.

Much evidence has been introduced by the Cherokee Nation for the purpose of showing that the ancestor, through whom the Dawsons claim, was not a Cherokee, and that other members of the Dawson family, claiming from the same source, have been denied Cherokee citizenship by subsequent Cherokee tribunals, and also by this Commission and by the United States Court. Such evidence, in the opinion of this Commission, is not competent for any purpose in this proceeding. The only question before this Commission is whether there was

fraud in the procurement of the Robert Dawson judgment, and not whether the applicants are Cherokee Indians, or whether they ought to have been admitted to citizenship upon the proof submitted. These were questions presented, considered and passed upon by the Tecihee Commission. If their decision is a valid and regular judgment, it is binding on this Commission. If, on the contrary, the applicants have never been lawfully admitted to citizenship, because the judgment under which they claim is void, for fraud, then the question as to whether they are Cherokees by blood is not material, as this Commission has now no authority to admit them to citizenship.

While it is true, that since 1883, a number of applicants, members of the Dawson family, have been denied admission to citizenship in the Cherokee Nation, no argument derived therefrom is of any force, for it is also true that other members of the same family have been admitted to citizenship, and the action of the Cherokee authorities in admitting them has never been questioned by the Cherokee Nation. Whatever inference, therefore, may be drawn from these facts applies with equal force both for and against the validity of the judgment in question.

The Dawsons have lived in the Cherokee Nation, most of them since 1883; they have exercised the rights of Cherokee citizenship for many years, some of them occupying official positions in the Nation, and no protest seems to have been made against their citizenship until within the last few years. The records of the Cherokee Nation, in the possession of this Commission, show, that since 1883, there have been Commissions on citizenship charged with authority to investigate the judgments of former tribunals alleged to have been secured by fraud, and the Cherokee Legislature had power to order an investigation, and to create a tribunal with authority to set aside a judgment so obtained. No such action appears to have been taken

by the Cherokee authorities with reference to the judgment of the Teehee Commission in the Robert Dawson case.

After a careful consideration of all the facts in this case this Commission is of the opinion that the evidence fails to establish that the Dawsons secured their admission to citizenship by fraud or that the judgment of the Teehee Commission as rendered January 11, 1883, was fraudulent as the result of corruption, bribery, or deception upon the part of the Dawsons, or their agents, and that such judgment, and also the judgment of the Spears Commission in 1884, and the Act of the Cherokee National Council of December 1, 1894, which have not been attacked by the Cherokee Nation, being regular on their face, must therefore be accepted by this Commission as the valid judgments of the duly constituted Cherokee authorities.

It is, therefore, the opinion of this Commission that,

(Group I.) Francis M. Dawson, son of Robert Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Nina E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson, Jr., son of Francis M. Dawson and grand-son of Robert Dawson,

(Group II.) Samuel R. Dawson, August Dawson, Nate Dawson, Robert Dawson, Albert E. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman,

(Group III) John Dawson, Robert E. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Marice J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson,

(Group IV) Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Cora Gray, Cecil Gray, Velton Gray, Effie Akin (formerly

Effie Pierce), Fancy J. Bogle, James E Bogle, Edna M. Bogle, John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle,

(Group V) Joseph R. Dawson, Clarence E. Dawson, Council T. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson,

(Group VI) Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore,

(Group VII) Henry A. Blasingame, Vinnie C. Blasingame, Albert L. Blasingame, Ellis T. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame,

(Group VIII) Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman,

(Group IX) Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham,

(Group X) Ella Jackson, Flora Harmon, Lillie B. Harmon, Claud Harmon,

Dwight Harmon, William D. Harmon, Dosbie A. Jackson, Dannie Lenox, Dirtie E. Lenox, Myrtle Lenox,

(Group XII) Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Witty Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia E. Richardson, Etta Brauer,

(Group XIII) Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverua A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry, and Charley Mabry,

should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and that

(Group I) Katie Dawson, Andrew C. Atkins,

(Group II) Catherine Dawson, Sarah F. Dawson, August Dulavsky, Nannie Dawson,

(Group III) Sarah J. Dawson, nee Wood,

(Group IV) Nellie Pierce, John S. Bogle,

(Group V) Florence Dawson, Martha A. Dawson,

(Group VI) Charles T. Moore,

(Group VII) Ida Blasingame, Mary A. Blasingame,

(Group VIII) Martin L. Patterson, Alice Dawson, Sarah J. Dawson, nee Jones,

(Group IX) John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham,

(Group X) James F. Harmon, William C. Lenox,

(Group XII) Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson

(Group XIII) Hiram F. Weddle and Alonzo M. Fishback, should be

enrolled as citizens by intermarriage of the Cherokee Nation in accordance with the provisions of said Section twenty-one of the Act of Congress, and it is so ordered.

It is further the opinion of this Commission that, for the reasons heretofore stated, the applications for the enrollment of [illegible] Allred and William C. Allred, (embraced in D 835); Franc[illegible] . Dawson, son of Elbert Dawson, (embraced in D 827); Osie Jacks[illegible] Lizzie Jackson, Jessie Jackson, Ray Jackson, and Clyde Jackson, [illegible] Children of William and Lizzie Jackson, (embraced in D 83[illegible] James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe [illegible] D 839), as citizens by blood of the Cherokee Nation, [illegible] applications of Lizzie Jackson, widow of William Jackson, (emb[illegible] D 830), and George A. Mabry (embraced in D 979), as citizens by intermarriage of the Cherokee Nation should be denied in accordance with the provisions of the law heretofore quoted, and it is so ordered.

As hereinbefore stated William Pierce [illegible] Dawson (D 358) and Green W. Jackson (D 395), [illegible] 1, 1902. It further appears from affidavits, [illegible] record that Liddie and Margaret Graham (D 1128 [illegible] date of the application for their enrollment [illegible] ber 1, 1902.

It is, therefore, ordered that the applications for the enrollment of said William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham be, and they are hereby dismissed.

COMMISSION [illegible] TRIBES,

[illegible]rman.

[illegible]ioner.

(Signed) C. R. BREECKINRIDGE,
Commissioner.

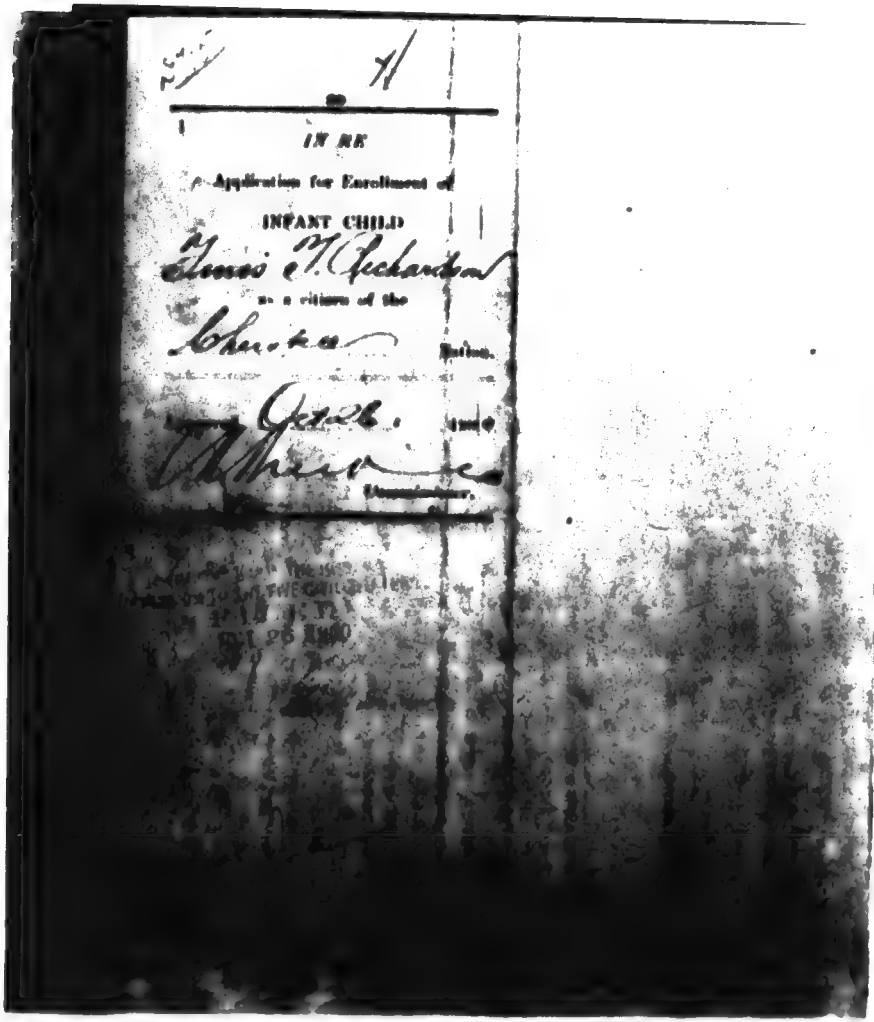
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

WASHINGTON, D. C., October 30,, 1920.

I, E. B. Meritt, Assistant Commissioner of Indian Affairs, do hereby certify that the paper hereto attached is a - - true copy of the original as the same appears on file - in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and caused the seal of this office to be affixed on the day and year first above written.

E. B. Meritt
Assistant Commissioner



41

IN RE

Application for Enrollment of

INFANT CHILD

Jennie M. Richardson

as a citizen of the

Cherokee Nation.

Jesse R. and

Wheeler

Parents.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Application for Enrollment, as a citizen of the Cherokee Nation.

[illegible] Pickerdon, born on the 4th day of Dec, 1899

[illegible] Pickerdon, a citizen of the Cherokee Nation.

[illegible] Kitty Pickerdon, a citizen of the Cherokee Nation.

Post-office, Tahlequah I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
[illegible] District.

I, Kitty Pickerdon, on oath state that I am 38 years of age and a citizen, by Blood, of the Cherokee Nation; that I am the lawful wife of Henry T. Pickerdon, who is a citizen, by [illegible], of the Cherokee Nation; that a male child was born on the 4th day of Dec, 1899; that said child has been named Edward T. Pickerdon, and is now living.

Kitty Pickerdon

Witness my hand this the 4th day of Oct, 1900.

J. M. Tinney
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

I, [illegible], a [illegible], on oath state that I attended on Mrs. Henry T. Pickerdon, on the [illegible] day of Dec, 1899, that she was delivered of a male child in said [illegible] and that said child is now living and is said to have been named Edward T. Pickerdon.

[illegible] of Gifford

Witness my hand this [illegible] day of Oct, 1900.

J. M. Tinney



DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

In Re Application for Enrollment, as a citizen of the Cherokee Nation, of [illegible] Indian Territory, born on the 8 day of August, 190[illegible]

Name of Father: H. T. Richardson, a citizen of the Cherokee Nation.

Name of Mother: Nettie Richardson, a citizen of the Cherokee Nation.

Post-Office: Owasso.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, [illegible] Territory.
Northern District.

I, Nettie Richardson, on oath state that I am 40 years of age and a citizen, by Blood, of the Cherokee Nation; that I am the lawful wife of H. T. Richardson, who is a citizen, by Adoption of the Cherokee Nation, that a Male child was born to me on the 8 day of August 190[illegible] that said child has been named Jasper Orval Richardson and is now living.

Nettie Richardson

Witnesses to mark: [illegible]
(Witnesses to sign): C. H. Johnson
C. H. Francis

Subscribed and sworn to before me this 13 day of August, 190[illegible]

E. C. Johnson
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE

UNITED STATES OF AMERICA, Indian Territory
Northern District.

I, J. B. Ellis M. D. a Physician, on oath state that I attended Mrs. Nettie Richardson wife of H. T. Richardson on the 8 day of August, 190[illegible] that a child was born to said Nettie Richardson on said date a Male child, and that said child is now living, and has been named Jasper Orval Richardson.

J. B. Ellis M. D.

Witnesses to mark: [illegible]
Witnesses to sign: C. H. Johnson
[illegible]

13 day of August, 190[illegible]
E. C. Johnson
Notary Public.

[illegible] Territory
Northern District
FILED
[illegible]

COPY.

Cherokee D-524—

Muskogee, Indian Territory, January 24, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Nate Dawson, Robert Dawson, Albert M. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Coleman, John Dawson, Robert L. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie E. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle E. Dawson, Burr R. Dawson, James T. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Doole, James R. Bogle, Edna M. Bogle, John H. Bogle, Marvin B. Bogle,

Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James V. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert D. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina M. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie L. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Tookie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley,

Mittie Richardson, Edgar Flourney, Walter Flourney, Alice Flourney, Laura Flourney, Oscar Flourney, Claude Flourney, Edna Flourney, Minis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Fannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

-4-

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. M-130.

COPY.

Cherokee D-324--

Muskogee, Indian Territory, February 10, 1903.

A. S. McKennon,

Attorney for Francis M. Dawson, et al,

Wewoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J.F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles E. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Marion J. Dawson, Orlo H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E. Bogle, Edna B. Bogle, John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E.

Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John P. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, Willia D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Kittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura

Fluornoy, Oscar Fluornoy, Claude Fluornoy, Edna Fluornoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Minnie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

You have heretofore been furnished with a copy of the record of proceedings had in this case.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest had been furnished both yourself and the principal applicant, by the attorney for the Nation.

The decision, together with the record of proceedings had in this case will be transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

You are requested to forward to the Commission two copies of your printed brief in this case, in order that the same may be included in the record to be forwarded to the Secretary of the Interior.

Respectfully,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. M-45.

Register.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Francis M. Dawson et al., applicants for enrollment as citizens of the Cherokee Nation, including the Commission's decision, dated December 23, 1903, granting said application as to Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob F. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James F.Bogle, Edna B. Bogle, John H. Bogle, Marvin R.Bogle,

Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence R. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Dora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina B. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Laverna A. Painter, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe B. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley,

Kittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Zelma Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Annie T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Fogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Dessie Graham, James H. Parmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson , Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson, and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

Enc. M-135.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, together with the Commission's decision in said case, and the protest of the Cherokee Nation against said decision, dated February 6, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

A. S. McClennon,

Attorney for Francis M. Dawson, et al.,

Wewoka, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

Cherokee D-71

Muskogee, Indian Territory, February 25, 1903.

Henry T. Richardson,

Owasso, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting, among others, your application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your wife, Kittie Richardson, your three minor children, Delia F., Finis T. and Jasper Cecil Richardson, and your seven minor step-children, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flourney, as citizens by blood of the Cherokee Nation.

There has heretofore been furnished your attorney, A. S. McKennon, Wewoka, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished both your attorney and the principal applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for

his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James Bixby

Acting Chairman.

Enc. E-63.

Register.

Refer in reply to the following:
Land 13858-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, October 16, 1903.

COPY

CHEROKEE ENROLLMENT

FRANCIS M. DAWSON, ET AL., GROUP XII.

The Honorable

The Secretary of the Interior.

Sir:

Referring to office report of even date, transmitting the record relative to the applicants parties to Group 1. of the consolidated case of Francis M. Dawson et al., applicants for enrollment as Cherokees, there is enclosed herewith the record relative to the parties applicants to Group XII. ---

D 405, Group XII, page 1.

Millie T. Dawson applies for enrollment as an intermarried citizen.

D 406, Group XII, page 4.

Texanna Woolley applies for the enrollment of herself and her minor children, Irene and Wilburn E. Wooley as citizens by blood. Wilburn E. Woolley was born subsequent to the date of his mother's application. He is identified by a birth affidavit.

D 718, Group XII, page 9.

Henry T. Richardson applies for enrollment as an intermarried citizen, and for the enrollment of his wife, Kitty, and their

minor children, Delilah F., and Finis T. Richardson, and for his minor step-children, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flournoy as citizens by blood. He also applies for the enrollment of his minor child, Jasper C. Richardson, who was born subsequent to the date of his application. This child is identified by a birth affidavit. Florence Flournoy is embraced in the application of Albert L. Morgan, (D 737, Group XIII.), and will not be considered in connection with this group.

R 12, Group XII, page 20

Etta Brauer applies for the enrollment of herself as an intermarried citizen.

R 13, Group XII page 24

Melissa A. Dawson applies for enrollment as an intermarried citizen.

The Commission, in its decision of December 23, 1902, held that all the parties to this group were entitled to enrollment as citizens, -- Millie T. Dawson, Henry T. Richardson and Melissa A. Dawson as citizens by intermarriage, and the others as citizens by blood.

Millie T. Dawson, (Group XII page 1), the record shows was married to W. A. Dawson, October 1892, and W. A. Dawson was admitted to citizenship in the Cherokee Nation by the Spears Commission or Court, September 9, 1884. He died October 1899. Her name does not appear on the 1896 roll.

Texanna Woolley (Group XII page 4), is a daughter of W. A.

Dawson, by his former wife. W. A. Dawson was admitted September 9, 1884, and he died October, 1899. Texanna Woolley was married to James Woolley November 27, 1895. She was a minor when her father was admitted to citizenship. Her name appears on the 1894 pay-roll.

Henry T. Richardson, (Group XII, page 9), July 11, 1886, was married to Mrs. Sellar, or Stella, or Nella Dawson, in accordance with the Cherokee laws. She was a daughter of W. A. Dawson, who was admitted September 9, 1884. She was a minor at the time her father was admitted. Her father died October 1899. She died about 1892. In September, 1898, Henry T. Richardson married his present wife, Kitty Richardson, formerly Flourney. His present wife's maiden name was Dawson. Kitty Richardson, Formerly Flourney nee Dawson, was admitted to citizenship in the Cherokee Nation by act of the National Council, December 1, 1894. Delilah Richardson is the child of the principal applicant by his first wife, Sellar Richardson. Minis T. and Jasper C. Richardson are children by his wife, Kitty Richardson. Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flourney are children of Kitty Richardson by her former husband. Delilah F. Richardson is identified by the 1896 census roll. All of the Flourney children except Edna, appear to be identified by the 1894 strip payment roll. Sellar Dawson, first wife of the principal applicant, was a daughter of W. A. Dawson, who was admitted to citizenship September 9, 1884. She was a minor when her father was admitted.

Etta Fraser, (Group XII. page 20), is a daughter of W. A.

Dawson, who was admitted to citizenship September 9, 1884. She was a minor when her father was admitted. She is identified by the Cherokee census roll of 1896. She has resided in the Cherokee Nation since 1884, except that she has temporarily been absent from the Nation at different times.

Melissa A. Dawson, (Group XII, page 24), was formerly the wife of W. A . Dawson, who was admitted to citizenship in the Cherokee Nation September 9, 1884. She is identified by the 1896 census roll. She has resided in the Cherokee Nation since 1884, except that she has been temporarily absent therefrom several times for the purpose of securing employment. W. A. Dawson died in October 1899. This applicant and her husband had, however, been divorced. The decree was rendered September 3, 1890. The applicant has not remarried since the divorce was granted, and the Supreme Court of the Cherokee Nation in the case of Melissa A. Dawson vs. W. A. Dawson, held that Melissa A. Dawson, this applicant, was a citizen of the Cherokee Nation by virtue of her marriage with W. A. Dawson.

In connection herewith attention is respectfully invited to office report of even date, transmitting group 1 of this consolidated case, and for the reasons therein stated the office recommends the approval of the Commission's decision, except in so far as it relates to the enrollment of Millie T. Dawson, Henry T. Richardson and Melissa A. Dawson, who apply for enrollment as intermarried citizens.

Very respectfully,

W. A. Jones.

G.A.W. -L.C. Commissioner.

D. C. 10610-1904. J.W.M.
J.P.
ITD 7442-1903. PHE
7458-1903. Department of the Interior,
LRS Washington. March 31, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 25, 1903, you transmitted the record in the matter of the application of Francis M. Dawson et al., for enrollment as citizens of the Cherokee Nation. In your decision of December 23, 1902, you disposed of the applications in the Dawson case by groups. In this letter Group xii, as disposed of by you, will be considered.

This group includes the application of Millie T. Dawson (D. 405), for the enrollment of herself as a citizen by intermarriage of Texanna Woolley (D.406), for the enrollment of herself and her minor children, Irene and Wilburn E. Woolley, as citizens by blood; of Henry T. Richardson (D 715), for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Kitty, and his minor children, Delilah V., Finis T., and Jasper C. Richardson, and his minor step-children, Edgar, Walter, Alice, Laura, Oscar, Claude, Anna and Florence Flournoy, as citizens by blood; of Etta Brauer (R 12) for enrollment as a citizen by blood; and of Melissa A. Dawson (R 13), for enrollment as a citizen by intermarriage of the Cherokee Nation.

In said decision you disposed of all these applications except that of Florence Flournoy, who is included in application D 737, Group xiii, as Florence Morgan. You held that all of the applicants referred to above are entitled to enrollment as citizens of the Cherokee Nation.

Reporting in the matter October 16, 1903, the Commissioner of Indian Affairs recommended that yout decision be approved, except as to these applicants claiming enrollment by intermarriage. As to these applicants claiming by intermarriage, no action will be taken at the present time.

The record has been examined in detail respecting the applicants claiming by blood, to determine the origin of their rights, whether by birth or admission. An examination has also been made in respect to their residence in the Cherokee Nation, and their identification as citizens thereof, whether by enrollment or by birth affidavit. This investigation persuades the Department that your decision is correct as to those applicants claiming by blood. You are accordingly directed to enroll them as citizens of the Cherokee Nation.

The question of fraud in its relation to the Dawson case was disposed of by the Assistant Attorney General, in an opinion of February 18, 1904, copy of which was sent you February 24, 1904.

A copy of the Commissioner's letter of October 16, 1903, relating to this group, is inclosed.

Respectfully,

1 inclosure. Thos Ryan, Acting Secretary.

Cherokee D-715.

Muskogee, Indian Territory, April 12, 1904.

Henry T. Richardson,

Owasso, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 23, 1902, granting, among others, your application for the enrollment of your wife, Kitty Richardson, your minor children, Delia F., Finis T. and Jasper Cecil Richardson, and your stepchildren, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 31, 1904.

Respectfully,

Commissioner in Charge.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

A. S. McKennon,

Attorney for Francis M. Dawson, et al.,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting the applications for the enrollment of Francis M., Lula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Francis M. Dawson, Jr., Lizzie, Arthur, Edna E., Edward J., and George J. F. Atkins, John W., Albert L., Ralph M., Alford, Samuel R., August, Nate and Robert Dawson, Katie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, John, Robert E., Iola E., Lemuel K., Rosa E., Charles B., Hattie J., Jennings B., James U., Virgal C., Thomas P., Mariee J., Orle M., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Harmon, Tomlie A. Jackson, Fannie, Birtie E. and Myrtle Lenox, Missouri, Tempa V., Robert S., Gideon, John W., Julius E., Francis M., Mary E., Jesse T., Gracie A. and Florence A. Graham, Laverne A., Ada M., Eva F., John W., Ray D., Roberta A., and

Roy V. Painter, Florence P., Myrtle and Claude Bradshaw, Joe E., William C., John F., Dana H. and Robert Lee Graham, Joe Willie Neal, James L., Marion, Maggie, Luther and Floyd Graham, Mollie, Nora, Walter, Clara, Ora, James W., and Edna Edith Moore, Richard W. and Ina E. Dawson, Ella L., Nellen J. and William Glenn Spickerman, Wilbert L., Ralph E., Robert L., and William C. Dawson, Zona, Sarah A., Martha A., Claud A., Edgar D., Thomas H. and Virgil V. Patterson, Joseph R., Clarence E., Council J., Elmer A., Cleo, Rufus T., Edgar, Wilborn, James R., Minnie L., Ermine C., Edwin C. and Ancil F. Dawson, Etta Brauer, Misty, Delia F., Minis T. and Jasper Cecil Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy, Tenanna, Irene W. and Wilburn E. Woolley, Laverna A., William A. and Annie B. Fishback, Lula F., Curtis, Morris O. and Roy Weddle, Florence, Clide and Alice A. Morgan, John E. Fishback, [illegible] Roby and Charley Mabry and William D. Douthitt, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Liddie and Margaret Graham as citizens by blood of the Cherokee Nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 31, 1904, and that the Commission's decision rejecting the applications for the enrollment of James, May, Zelma, Roberta, and Rosa Lowe, Osie, Lizzie, Jessie, May, and Clyde Jackson as citizens

by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

SIGNED: E. E. Nea...

Commissioner in Charge.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting the applications for the enrollment of Francis M., Lula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William T. and Francis M. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. P. Atkins, John W., Albert R., Ralph M., Alford, Samuel R., August, Nate and Robert Dawson, Hattie Newman, Josephine, Dort, Ida, Annie, Blanche, May and Oscar Bulawsky, John, Robert E., Iola M., Lemuel M., Rosa B., Charles E., Hattie J., Jennings D., James C., Vergal C., Thomas P., Mariee J., Orle M., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and Willian E. Harmon, Toshie A. Jackson, Fannie, Birtie E. and Myrtle Lenox, Missouri, Tampa W., Robert S., Gideon, John W., Julius E., Francis W., Mary E., Jesse E., Gracie M. and Florence M. Graham, Laverna A., Ada R., Eva P., John W., Ray D., Roberta A., and

Roy W. Painter, Florence P., Myrtle and Claude Bradshaw, Joe ..., William C., John F., Edna L. and Robert Lee Graham, Joe Willie Neal, James I., Marion, Maggie, Luther and Floyd Graham, Lollie, Nora, Walter, Clara, Ora, James W., and Edna Edith Moore, Richard W. and Ina E. Dawson, Ella L., Hellen J. and William Glenn Pickerman, Albert E., Ralph E., Robert L., and William C. Dawson, Zona, Sarah A., Martha A., Claud A., Edgar D., Thomas L. and Virgil W. Patterson, Joseph R., Clarence E., Council J., Elmer A., Cleo, Rufus T., Edgar, Wilborn, James R., Vinnie D., Ermine C., Edwin ... and Annie M. Dawson, Etta Brauer, Kitty, Delia F., Finis T. and Jasper Cecil Richardson, Edgar, Walter, Alice, Laura, Oscar, Clarence and Ella Flournoy, Texanna, Irene W. and William B. Woolley, Lavenia A., William A. and Annie L. Fishback, Lula L., Curtis, Norris ... and Roy Weddle, Florence, Clide and Alice A. Morgan, John W. Fishback, Edna, Roby and Charley Raby and William ... Southit, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Liddie and Margaret Graham as citizens by blood of the Cherokee Nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 31, 1904, and that the Commission's decision rejecting the applications for the enrollment of James, May, Zelma, Roberta, and Rosa Lowe, Obie, Lizzie, Jessie, ... and Clyde Jackson as citizens

by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

(SIGNED). T. B. Needles.

Commissioner in Charge.

CHEROKEE 10763

Kittie Richardson et al.

For record in this case
see Cherokee 11765,
Henry T. Richardson et al.

Cher 10764
Lula P. Weddle

Trans. from D 521

Cher 10764



Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 4, 1900.

In the matter of the application of Lula Pearl Weddle for the enrollment of herself as a Cherokee by blood and her husband as a Cherokee by intermarriage; being sworn and examined by Commissioner Brockenridge, she testified as follows:

Q Give me your name, please? A Lula Pearl Weddle.
Q How old are you? A 26 years old.
Q What is your post office? A Albia Switch.
Q In what district do you live in? A Delaware.
Q Who is it you want to have put on the roll, yourself? A Myself, and husband and two children.
Q Are you a Cherokee by blood? A Yes, sir.
Q Your husband a white man or a Cherokee? A He is a white man.
Q How long have you lived in the Cherokee Nation? A Ever since I was a child.
Q Have you lived here all your life? A No, sir, I came here in 1884.
Q You have lived here then since 1884? A Yes, sir.
Q Where you admitted to citizenship by the Cherokee Commission? A I reckon so.
Q Have you a certificate of your admission? A I don't know, I have witnesses here.
Q Give me the name of your father? A L. M. Douthitt.
Q Is he alive or dead? A He is living.
Q The name of your mother? A Nancy C. Douthitt.
Q Is she alive or dead? A She is alive.
Q How long has she been dead? A 20 years.
Q What was your mother's maiden name? A Dawson.
Q Mary California Dawson, is that right? A Yes, sir.
(The applicant presents an official certificate showing that in January 1883, certain persons were admitted to Cherokee citizenship)
Q Is your mother's name on this list, this paper? A I don't know.
Q For what purpose do you hand me this paper? A That is my grandfather.
Q What is his name? A E. Dawson.
Q Elbert Dawson? A Yes, sir.
(The name of Elbert Dawson is found on the paper).
Q What was the name of Elbert Dawson's wife? A Sarah Jane Jones.
Q Do you claim that her name is on this paper? A My uncle handed it to me, I haven't looked at it, he is right here as a witness.

Francis Marion Dawson, being sworn and examined by Commissioner Brockinridge, testified as follows:
A Give me your name? A Francis Marion Dawson.
Q How old are you? A I am 52 years old.
Q What is your post office? A Oceola.
Q Are you the uncle of this lady here, Lula Pearl Weddle? A Yes, sir, she is my brother's daughter.
Q She has handed me a paper here, showing that certain people were admitted to citizenship in 1883, and on that paper is the name of Elbert Dawson; that is the name of your father, is it? A No, sir, that is my grandfather.
Q Was he admitted at the same time as you? A No, sir.
Q Then you don't pretend that her name is on there, do you?
A No, sir, her name is not on the paper.

Q There is a Jane Dawson here, but that is not his wife? A No, sir, that is my sister.
Q The name of the mother of this woman is not on this paper?
A No, sir.
(This paper is accepted as official evidence of the admission of the applicant's grandfather as stated, Albert Dawson.)

Lula Pearl Weddle, recalled, testified:
Q Is your mother has been dead 20 years she was dead before this paper was issued? A She died in 1880.
(The admission states that the persons admitted were entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and they were admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.)
Q Now you came here in 1884, did you? A Yes, sir.
Q And have lived here ever since? A Yes, sir.
Q Give me the name of your husband? A Hiram F. Weidles.
Q How old is he? A He is 33 years old.
Q Have you his marriage license and certificate? A No, sir, I have no living witness to my marriage but one.
Q Did he get out a Cherokee license? A Yes, sir.
Q Why hasn't he got it? A It got misplaced in some way.
Q In what district did he get that out? A Delaware.
Q When were you married? A In 1895.
Q What time in 1895? A January 9.
Q Has he lived with you ever since you were married? A Yes, sir.
Q Give me the names of your children, please? A Curtis, 4 years old next January.
Q What is the name of the next one? A Morris Owen, 2 years old next April.
Q Have you a certificate of the birth of each of these children?
A Yes sir.
Q Did you ever apply to the Dawes Commission for admission to citizenship? A We paid Judge Dennison to have one of our children put on.

Francis Marion Dawson, recalled, testified:
Q Do you know whether your family ever applied to the Dawes Commission for admission? A No, sir, they went down to the Dawes Commission to see if we were on this 1896 roll.
Q You never made application? A No, sir.
Q This certificate of admission appears to have been used in the United States Court; for what purpose was it in the United States Court in 1893? A It was simply recorded; I had that done myself.
(Lula Pearl Weddle on 1896 roll, page 553, No. 3412, Lula P. Weddle, Delaware district, Hiram F. Weddle on 1896 roll, page 593, No. 586, Delaware district.)
Q Do you know about your neice being married to her husband, Hiram F. Weddle? A I know this much, I was at the Court house and John Duncan was Clerk and her husband came over there to get a license to marry, and Duncan told me he issued the license.
Q You never really were at the marriage? A I heard of it.

Q Have they been living together ever since as husband and wife?
A Yes, sir.

The applicant presents an official certificate of admission of her grandfather to Cherokee citizenship as set forth in the testimony in 1883. She states that she came to the Cherokee Nation in 1884 and has lived here ever since. She is identified under her married name on the roll of 1896 as a native Cherokee. Her marriage and consequent change of name is established by her own and her uncle's testimony. For the further consideration of the rights conveyed to her by the certificate of admission referred to her, her application will at present be placed upon a doubtful card, and the final decision of the Commission will be communicated to you. When she supplies the Commission with certificate of birth of her two children named in the testimony, they also will be placed upon a doubtful card with her as Cherokees by blood. She states that her husband, identified with her on the roll of 1896, was married to her in January, 1895, in accordance with Cherokee law, and that he has lived with her in the Cherokee Nation ever since their marriage. She is not able to supply the Commission with a marriage license and certificate at this time. She is desired to supply the Commission with said license and certificate or with a copy of the official record relating thereto. He will be placed upon a doubtful card to await this testimony, as well as for the determination of the rights of his wife, through whom he claims.

xxxxxxxxxxxxxxxxxxxxxx

(The printed record of the Cherokee Nation shows that a Lula Dauthitt was admitted by the Cherokee Commission September 13, 1894.)
Q Do you think that could have been your name? A Yes, sir.
Q Do you think you were admitted yourself at that time?
A No, I was just a child.
Q That doesn't keep you from thinking that is or isn't your name? A That is my name.
Q Did you have a brother named Dallas? A Yes, sir.
(His name is mentioned with that of the applicant.)
You are desired to supply the Commission with an official copy of your certificate of admission by your maiden name as just set forth.

. . . . . .

Now come the representatives of the Cherokee Nation and protest against the enrollment of this applicant, alleging that if she was admitted, she obtained her admission by fraud.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly

recorded the proceedings and testimony in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 6th of October, 1900.

(Signed) C. R. Breckinridge.

Commissioner.

Edith L. Morey, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy, and that the same is a true and complete copy of the original transcript.

Edith L. Morey.

Subscribed and sworn to before me this the 24th day of August, 1904.

Charles H. Lamoyne

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 4 1900

DELAWARE

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 4 1900

Name Abram F. Peadon

District

Citizen by blood No

Intermarried citizen

Married under what law

License

Certificate

Year 1896 Page 393 No. 386

Mother's citizenship Albia Purtell Ct. 1900.

Date of marriage Jan 9 [illegible]

2 Wife's name Lula P. Peadon

District

Citizen by blood Yes.

Intermarried citizen No

Married under what law

License

Certificate

Year 1896 Page 393 No. 3412

Mother's citizenship L.M. Douthitt - d

Nancy C " - d.

Date of marriage

Names of Children:

3 Curtis Peddies Dist. Year Page No. Age 4

4 Morris C. " Dist. Year Page No. Age 2

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

3 Cert of Applicants with the exception of Act of marriage and act of admission to the Dist of Delaware

Cherokee D 521.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I.T., October 14, 1902.

In the matter of the application of Hiram F. Weddle for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Lula P. Weddle, and his two minor children, Curtis and Morris O. Weddle, as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

Dawson Case.

HIRAM F. WEDDLE, being sworn, testified as follows:

By the Commission,

Q What is your name? A Hiram F. Weddle.
Q What's your age at this time? A Thirty-five years old.
Q Thirty-five? A Yes, sir.
Q What's your post office? A. Albia, I.T.
Q Are you the same Hiram F. Weddle that applied to the Commission in October 1900, for enrollment as an intermarried citizen?
A Yes, sir.
Q Your age, Mr. Weddle, at that time was put down at twenty-three, was that a mistake, instead of thirty three? A I think it must have been a mistake. My wife, I guess, give it in.
Q What is your wife's name? A Lula P. I think is the way it is on the roll.
Q Is she a citizen by blood of the Cherokee Nation? A Yes, sir.
Q When were you married to your wife, Lula P.? A January, '95, ninth of.
Q Ninth of January, '95? A Yes, sir.
Q Were you married under Cherokee license to her? A Yes, sir.
Q Have you filed that license with the Commission? A Yes, sir.
Q Were you ever married before you were married to Lula P.?
A No, sir.
Q Was she ever married before she married you? A No, sir.
Q Have you and she lived together as husband and wife since your marriage in '95 up to the present time? A Yes, sir.
Q Never been separated? A No, sir.
Q Living together on the first day of September, 1902, as husband and wife? A Yes, sir.
Q Have you lived in the Cherokee Nation all the time since your marriage in '95 up to the present time? A Yes, sir.
Q How long has your wife, Lula P., lived in the Cherokee Nation?
A Ever since '84.
Q All the time since '84? A Yes, sir.
Q Are these two children, Curtis and Morris O., your children by your wife, Lula P.? A Yes, sir.
Q Both living at this time? A There ought to be another on there, Roy.
Q Have these two children lived in the Cherokee Nation all their lives? A Yes, sir.
Q When was the other child born? A Born June 29th.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

(Signed) Retta Chick.

Subscribed and sworn to before me this 31st day of October, 1902.

(SEAL)

(Signed) B. C. Jones,
Notary Public.

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Edith L. Morey, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a true and complte copy of the original transcript.

Edith L. Morey.

Subscribed and sworn to before me this 24th day of August, 1904.

Chas. H. Lamps

Notary Public.

To be filed with C. R. #31, Miram P. Waddle et al.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., SEPTEMBER 17th, 1900.

In the matter of the application of Francis Marion Dawson, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Francis Marion Dawson.
Q What is your age? A I am fifty eight years old.
Q What is your Postoffice? A Oocema.
Q What District do you live in? A Delaware.
Q Who is it you desire to have enrolled? A Myself and family.
Q Your wife? A Yes, sir.
Q How many children? A Six.
Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A No, sir; she is a white woman.
Q How long have you lived in the Cherokee Nation? A Since 1883.
Q Were you admitted by the Cherokee Commission? A Yes, sir.

The applicant presents a duly authenticated certificate of admission to citizenship, showing that on the 11th day of January, 1883, certain persons were admitted by the Commission on citizenship, and among them appears the name of F. M. Dawson.

Q That is your name in it? A Yes, sir.

This is considered as satisfactory evidence of the facts stated.

Q Have you lived in the Nation [illegible] since your admission?
A Yes, sir; in Delaware District ever since.
Q Give me the name of your wife? A Katie Dawson.
Q How old is she now? A Forty five.
Q Was she admitted with you? A No, sir.
Q Have you married her according to Cherokee law since your admission? A No, sir.
Q You have not remarried since your admission? A No, sir; it was not necessary.

The applicant presents a duly authenticated marriage license and certificate, showing that he was married to his wife, as stated by him, in 1880, by the Reverend R. T. Goudelock, in Carrol County, Arkansas, the license being issued by the Clerk of that County.

These papers are filed herewith.

Q Your wife was not admitted by the Cherokee Commission, when you were? A No, sir.
Q Or at any other time? A No, sir.
Q By act of the Commission or Council? A No, sir: she was [illegible] on the rolls.
Q On the census rolls? A Yes, sir.
Q Give me the names of your children, please? A Lulu.
Q How old? A Seventeen.
Q Next child? A Ray.
Q How old? A Fifteen.
Q Next child? A Jessie Jane.
Q How old? A Fourteen.
Q Next child? A Jacob Levy.
Q How old? A Ten.
Q Next child? A Hugh A.
Q How old? A He is eight I believe.

Q Next child? A Laura.
Q How old is that child? A She is four years old.
Q Is that all? A Yes, sir; six of them. I have others, but they are not at home.
Q Are they married? A No, sir.
Q Are they over age? A Yes, sir.

(1896 Roll, Page 461, #902, Francis Marion Dawson, Delaware.
1896 Roll, Page 589, #135, Katie Dawson, Delaware District.
1896 Roll, Page 461, #903, Lula Dawson, " "
1896 Roll, Page 461, #904, Ray Dawson, " "
1896 Roll, Page 461, #905, Joseph Julius Dawson, Delaware Dist't.
1896 Roll, Page 461, #906, Edith Levy Dawson, " "
1896 Roll, Page 461, #907, Hugh A. Densmore Dawson, " "
1896 Roll, Page 461, #908, Laura Albertia Dawson, " ")

Q Is this Lula or Lulu? A Lulu.

The applicant applies for the enrollment of himself, wife and six children.

Q Were these children all born since you were admitted into the Cherokee Nation? A Yes, sir.

The applicant is shown by the certificate of admission, cited in the testimony, to have been admitted to Cherokee citizenship, by the Commission on Citizenship, January 11th, 1883; he is identified on the roll of 1896, but the representative of the Cherokee Nation desires to make inquiry into the methods of that time, and for that reason, the application of the applicant will at present be placed on a "Doubtful Card." He has lived in the Cherokee Nation ever since his admission to citizenship. His wife was married to the Cherokee citizen before the United States law, and was married prior to his admission, and is never been readmitted according to Cherokee law. She has lived with him ever since his admission to citizenship, and she is identified on the roll of 1896. The application for her enrollment will be placed on a "Doubtful Card".

Their six children, as enumerated in the testimony are identified on the roll of 1896. They are living at this time, all having been born since his admission (Applicant's). These children will be placed with him on a "Doubtful Card". The applicant's marriage to the mother of these children is established by the marriage license and certificate filed herewith. If any additional papers, adverse are developed in this case, he will be given timely notice thereof.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. P. Cravens.

Subscribed and sworn to before me this 14th day of September, 1900.

(Signed) C. R. Breckinridge,

Commissioner.

BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment :
of F. M. Dawson and others as :
Cherokee citizens. :

Depositions of sundry persons in behalf of the applicants for enrollment mentioned in the title, taken before me, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, at the office of C. B. Denison in the Gray-Halsell Building in the town of Vinita, Indian Territory, on Thursday the fourth day of October 1900, between the hours of one and a half o'clock and six o'clock in the afternoon of said day, in accordance with the agreement to take testimony, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

T. F. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY C. B. DENISON:

Q State your name, age, residence and occupation?
A T. F. Thompson, 55 years old, I live near Vinita, Cherokee Nation, I. T. I am a farmer.
Q How long have resided in the Cherokee Nation? A All my life.
Q Are you a citizen of the Cherokee Nation as now constituted?
A Yes, sir.
Q Upon what is that citizenship based, blood or otherwise?
A Blood.
Q What, if any official position have you held in the Cherokee Nation, and at what time?
A I was elected to the Cherokee Council in 1870 some odd, I don't remember the exact year, I was also on the Commission Court.
Q Do you remember when that was? A Some time in 1880 or 1881, I think, it may have been earlier.
Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.
Q State, if you remember, how many members of that Commission or Court, there were, and who they were besides yourself?
A There were three, Tehee, Wolf and myself, Tehee was President of the Court.
Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.
Q Did you have a Clerk? A Yes, sir.
Q Do you remember who that was? A D. W. C. Duncan.
Q Do you know whether the members of that Commission beside yourself, are living or dead? A Yes, sir, they are both dead.
Q Can you recollect now what period of time that Commission lasted?
A About two years I think, two sessions, and there was one session each year.
Q Were the sessions of that body held in Tahlequah, open to the public at all times when it was in session?
A Yes, sir.
Q Were the cases coming before that body heard in open session?
A Yes.
Q Witnesses examined orally? A Yes, sir.

Q Judgments of the Court or Commission pronounced in open session?
A In case of decisions I think they sometimes had secret sessions, yes, the judgments of the Commission were pronounced openly.
Q What you intended to convey by you answer to the former question was that after hearing the proof the Commission or Court deliberated in secret session upon the testimony taken before reaching a decision or announcing it? A After hearing all the testimony we went into secret session.
Q I will present you with a paper which the Notary will mark exhibit "A" and a copy of which he will attach to your deposition, and will ask you if with the exception of the certificate of record by H. L. Bragdon, Clerk, and John L. Adair Asst. Ex. Secretary, you recognize it as a paper you have ever seen before?
A I recognize the signature to it, but don't remember the instrument.
Q Which signature on that paper do you recognize? A My own.
Q That signature is in your own handwriting? A Yes, sir.
Q Do you know whether Thomas Tehee, president of the Commission could write in English or not? A No, I don't think he could.
Q How as to Alexander Wolfe, a member of the Commission?
A I don't think he could write either, I don't think either of them ever wrote except by touching the pen.
Q Were you, and are you familiar with the handwriting of D. W. C. Duncan, the Clerk of that Commission?
A Tolerably well, but it has been a long time since I saw any of it.
Q Will you look at the paper again and say whether you recognize his signature attached thereto?
A Yes, that is his signature to the best of my knowledge.
Q Do you preserve any personal recollection of the application before that Commission of F. H. Dawson and other members of the Dawson family, to be admitted as citizens of he Cherokee Nation by the Commission?
A I remember F. H. Dawson and his brother, that is about the only ones I remember.
Q The question was not as to the personal recollection of the individuals, but as to the claim being presented by the Dawsons for admission?
A Yes, there was such a claim before the Commission.
Q Can you state as to the citizenship of Thomas Tehee, whether he was a citizen of the Nation by blood or not?
A Yes, sir, he was always recognized as such, full blood besides.
Q What is your knowledge of Alexander Wolfe?
A About the same, he was also a full blood and recognized as a Cherokee.
Q Judge Thompson, if you possessed or had, or have now any knowledge of any corruption or bribery of the court or Commission, or any member of it by F. H. Dawson or any of the Dawson family or anybody connected with the presentation of their claim for citizenship, state it fully?
A None whatever as far as I was concerned, and I don't think there was by the balance of the Court.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q Do you mean to say Mr. Thompson that your name attached to the certificate shown you is in your handwriting?
A Yes, sir.
Q That Mr. Duncan certified that this is a transcript of the decision in the case, he is mistaken, that is the original?
A No, I don't know, that may be the original, if that is not the original I did not sign it, if it is the original I signed it.
Q You state that the witnesses were examined orally before the Court, don't you know that is almost every case you took ex parte

affidavits of witnesses when these witnesses were not present?
A I think we ruled exparte evidence out, as well as I remember.
Q Did you have any stenographer or anybody to copy the evidence?
Mr. Duncan did all of the copying.
Q Was the evidence copied and preserved?
A Yes, sir, I think it was.
Q What was done with that evidence, where was any of it ever put?
A I suppose it is at Tahlequah in the office of the Treasurer or Secretary.
Q When you went into secret session did you have Mr. Duncan read that evidence to you?
A Yes, sir, we went over the evidence thoroughly.
Q Did you allow the applicants or their attorneys admission to any of your secret sessions?
No, sir.
Q When you got ready to render your decisions did you then send for the applicants or their attorneys?
A No, sir.
Q And you rendered them in secret also, did you? A Yes, sir.
Q Have you any recollection who testified in the Dawson case, as to their claim? A No, sir, I have not.
Q Have you any recollection as to who they claimed their Cherokee ancestors were? A Yes, sir, they claimed the Rogers.
Q Did they claim relationship with any of the present families of Rogers residing in the Cherokee Nation?

The applicant objects to this question as tending to elicit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.

A I don't know that they did, particularly.
Q How could your court determine when they claimed descent through some Rogers family, that that family was of Cherokee blood?

The applicant objects to the question upon the same grounds as their objection to the previous question.

A By the evidence they produced.
Q Didn't you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were citizens thereof? A Yes.
Q Who was the attorney for the Dawsons? A Old man Kounton Benge.
Q Could either Tehee or Wolfe speak English? A They could understand, but they never spoke English, they had an interpreter.
Q Did you ever talk to either of them as to whether they got anything for decidingthis case? A No, sir.
Q How long were you considering the case altogether?
A I could not say as to that, I think we were on it two or three weeks anyhow, I could not say positively now, they were a long time getting in testimony.
Q There were only two or three witnesses examined all told, were there not?
A I think so, three I think, they had quite a lot of affidavits, but we did not consider them.
Q Well the Court was a good while arriving at its conclusion after the evidence was closed?
A Yes, quite a good while, I don't remember the exact time.

RE-DIRECT EXAMINATION:

Q Do you remember who the interpreter the Commission had been, during the Dawson case.
A His name was Reese, I forget his given name.

Q Do you know whether he is living or dead?
A I don't know, he seemed to be in bad health at the time we had the case up, I think they are all dead but me and Mr. Duncan.
Q What was he, a Cherokee by blood?
A He was considered a Cherokee by blood.
Q Do you know where he lived at that time?
A No, sir, he lived in the South part of the Nation though, I think in Sequoyah.

(Signed) T. F. Thompson.

Copy of Ex. "A" to T. F. Thompson's testimony.

CERTIFICATE OF RECORD.

United States of America,
Indian Territory,
Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, her by certify that the instrument hereto attached was filed for record in my office the 9 day of March, A. D. 1893, at 10-30 o'clock A. M. and duly recorded in book C. Micl Record Mortg. & Liens, page 339,

Witness my hand and seal of said court at Muscogee, in said Territory this 16 day of March, A. D. 1893.

(SEAL)

M. L. Bragdon,

Clerk.

Transcript to which this is attached, endorsed on back as follows:

"No. 108, Robt. Dawson et al, VS the Cheroke Nation, Transcript of Judgment, Filed Mar. 9, 1893 10-30 A. M. Marshall L. Bragdon, Clerk.,

OFFICE OF COMMISSION ON CITIZENSHIP,
TAHLEQUAH, CHEROKEE NATION, JANUARY 11th, 1883.

No. 108 Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, Rial Dawson,
VS,
The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1883, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission it was adjudged and determined by the Commission on Citizenship, that the claimants, Rob't Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson. Molly Dawson, Wilbron Dawson, James Dawson, and Rial Dawson, are Cherokees by blood; and that they are entitled to all the rights and priviliges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they were

admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. W. C. Duncan, Clerk of Commission. } Thomas Tehee, President of Com. Alex Wolf, T. F. Thompson, } Commissioners.

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears of the record in my office.

D. W. C. Duncan,
January 11th, 1883. Clerk of Commission.

Executive Department,
Tahlequah, Cherokee Nation,
January 11th, 1883,

I hereby certify that the within named Commission on Citizenship, composed of Thomas Tehee, President, Alex Wolf and T. F. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and Commissioned Commission on Citizenship, and that their actions as such are legal and binding.

Witness my hand the

Witness my hand and the seal of the Cherokee Nation, on the date above written.

John L. Adair,
Asst. Ex. Secretary.

United States of America,
Indian Territory,
Northern District,

I, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. F. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. F. Thompson, L. T. M. - N. P. Oct. 4, 1900. " The foregoing copy having been carefully compared by me with the said original.

Given under my hand and seal of office as such Notary Public. this 4th day of October, A. D. 1900.

(SEAL) (Signed) Lewis T. Martin.

Notary Public.

My commission expires Feb 3rd. 1902.,

D. W. C. Duncan being produced by the applicants after being sworn to testify to the truth, the whole truth and nothing but the truth testified as follows:

DIRECT EXAMINATION BY C. B. ELLISON:

Q Please state your name, age, residence and occupation?
A My name is D. W. C. Duncan, my age is 70 years, my residence is Vinita, Indian Territory, my occupation is a farmer.
Q How long has that been your place of residence? A Since 1874.
Q Are you a member of the Cherokee Nation as it is now constituted?
A Yes, sir.
Q Upon what is your citizenship based, a Cherokee by blood?
A Yes, a Cherokee by blood.
Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?
A About that time I held the position of Clerk of the Citizenship Court or Commission.
Q If you remember the names of themembers of that Commission or Court, please give them?
A The President of the Commission was Tehee I believe, and a member by the name of Wolfe whose first name I do n t recollect, and Mr. Thompson here.
Q T. F. Thompson?
A Yes.
Q Do you know whether those three members of that Commission were recognized citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?
A They were supposed to be citizens of the Cherokee Nation and their citizenship was based upon their blood.
Q Will you please look at the paper now handed you which the Notary has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will att ch to Mr. Thompson's depositions, and state whether with the exception of the certificate of H. L. Dragdon, Clerk, and of John L. Adair Asst. Ex. Secretary, you recognize the paper as one you have ever se n before?
A Yes, I think I have se n this before.
Q When, and where, if you re mber, did you first see that p per?
A This is a paper I drew up at the time I was acting as Clerk of the said Citizenship Court.
Q Looking at its date, was it drawn at you at the time it bears date?
A To the best of my recollection it was drawn at the date specified.
Q Do you recognize the signature to the certificate attached to that paper?
A Yes, that is my signature.
Q State if you know, in whose handwriting the body of the paper is?
A It is in my handwriting.
Q And at that time you were Clerk of t at Co mis ion? A Yes.
Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and state if you can, by whom they were written?
A I think the first two is my handwriting, the last I recognize that as T. F. Thompson's.
Q Explain please, how you came to write t e sign tures of Thomas Tehee and Alex Wolfe to that paper?
A Thomas Tehee and Alex Wolfe were full bl oods and could not write, and in their presence, and at their request I wrote their signatures.

Q Was that the usual manner of certifying to the action of the Commission to applicants as to the decision of their application for citizenship, where admitted?
A In all instances where it was necessary for the Court to sign a paper of any kind it was adopted by that Court for the Clerk to sign Tehee's and Wolf's names and T. F. Thompson to sign his own name.
Q You didn't catch exactly my idea, but perhaps that answered it, what I intended to call you attention to, was whether when applicants had been admitted to citizenship a paper of this kind now shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?
A My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was entered upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.
Q If you had any knowledge at the time the application of the Dawson family, F. M. and others whose names are mentioned in that paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. M. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?
A I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind is what has originated recently, since the enrollment business has been inaugurated.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q If as you certify, this paper was a transcript of the record, why did you have the judges sign it?
A I know no reason further than that was the practice at that time, the members of the Court being present I presume it was thought it would be as good or better than the signature of the Clerk.
Q Examine that signature of Mr. Thompson, examine the first T in his name and the T in Tehee's name and see if it is not all your own handwriting?
A No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accident.
Q How was the evidence taken in those cases?
A It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q Do you know whether that evidence is in existance or not?
A I do not, the last I saw of it was when I turned the records over to the Executive office at Tahlequah, and I have not seen it since.
Q You say you never heard any talk about this being an improper case until very recently?
A Well, that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can safely say that did not.

Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross-examination.

A They claimed their right of citizenship through a man by the name of Rogers, I don't recollect his first name.
Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?
A I do.

(Signed) D. W. C. Duncan.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do certify that the foregoing depositions of T. F. Thompson and D. W. C. Duncan were taken before me at the time and place and in the action mentioned in the caption, and said T. F. Thompson and D. W. C. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence; the claimants being present in person and by their attorney G. B. Denison, and the Cherokee Nation being represented by W. T. Hutchings Esquire its attorney,.

Given under my hand this 4th day of October, A. D. 1900.
(SEAL)
(Signed) Lewis T. Martin.

Notary Public.
My commission expires 2/3/1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1902.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation,. He being sworn and examined by the Commission, testified as follows:

Q What is your name? A Francis Marion Dawson.
Q How old are you? A Soon will be sixth years old.
Q What is your postoffice address? A Afton now, it used to be Oaeuna.
Q What was the name of your wife? A My first wife was Julia Ann Howard.
Q She was a white woman? A Yes, sir.
Q When were you married to her? A I think it was the 8th of January, 1864.
Q Where were you living at that time? A In Arkansas.
Q Who married you? A A man by the name of Dave Sturdy.
Q Was he a preacher? A Yes, sir.
Q A Minister of the Gospel? A Yes, sir.
Q Did you and she live together as husband and wife up to the time of her death? A Yes, sir.
Q Did you have any children by her? A Yes, sir.
Q What are their names? A Willia R. Dawson.
Q The next one? A Francis Marion Dawson Jr.
Q The next one? A Johnnie.
Q The next child? A Elizabeth.
Q The next one? A Arizona Allred.
Q Those are all the children you had by your first wife? A Yes, sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Joseph R. Dawson.
Q How old are you? A I will be 51 the 13th day of June.
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes, sir.
Q How are you related to him? A Brother.
Q Did you know his former wife, Julia? A Yes, sir.
Q Is she living or dead? A She is dead.
Q Was she a Cherokee or white woman? A I couldn't say what; Ch they married in the states.
Q Do you know when he was married to her? A Ye , sir.
Q When was it? A About the close of the war.
Q Who married them? A Parson Sturdy.
Q Were you present when they were married? A Yes, sir.
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes, sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:
Q What is your name? A John K. Stevens.
Q How old are you? A 56 years old.
Q Post in your postoffice address? A Afton.
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes, sir, as we call him, Mud Dawson.
Q How long have you known him? A My first acquaintance with him was in 1861.
Q Did you know his first wife, Julia? A Yes, sir.

Q Do you know whether or not they were married? A Yes, Sir, they were married.
Q Were you present at the marriage? A No, I wasn't present at the marriage.
Q Did you see them live after their marriage? A Yes, sir.
Q Did you continue to know them for any length of time afterwards? I knowed them as long as she lived.
Q During the time you knew them did they live together as husband and wife? A Yes, sir.
Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following cherokee cases:
Arizona Allred et al D-535, John Dawson, D-560, William R. Dawson D-561, Lizzie Dawson D-564 and Mr Chas R. Dawson Jr. D-568.

—o—

I, the undersigned stenographer by the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) E. O. Rothenberger.

Supt. No. 2324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 17, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS M DAWSON, ET AL., as citizens of the Cherokee Nation:

The case having been set for final hearing March 17, 1902, the following proceedings are had:

APPEARANCES:
Mr. A. S. McKennon, of counsel for applicants;
Mr. W T. Hutchings, of counsel for Cherokee Nation.

Mr. Hutchings: Comes now the Nation on the calling of this case and announces that it is ready for trial, provided permission is given to hereafter examine before the Commission, either at this place or Fort Gibson, the witness S. H. Benge, who has been regularly summoned to attend at this day and time but who is too sick to travel at this time and probably will be for some time to come. As evidence of a good faith of the Nation we hereby present an affidavit of the facts sought to be proven by the said Benge. If the applicant's counsel are willing to concede that the witness if present would testify to the facts herein set forth, the Nation is ready to proceed to trial without reservation of any kind. If they are not it desires to reserve this privilege of hereafter, either tomorrow or otherwise, this case being set for to-day and tomorrow, of examining before the Commission, or its authorized officer, this witness as above set forth.

Mr. McKennon: Applicants object to the introduction of the paper presented and do not admit that the witness, Samuel H. Benge if present would testify to the facts therein stated. They consent and desire that the testimony of said Benge be taken before the Commission at its office in Muskogee but not elsewhere, and protest against it being taken at any other place, with the understanding, however, that when taken we have opportunity to introduce any evidence we may desire in rebuttal.

Mr. Hutchings:
The Nation will pay all the expenses of the opposing counsel, their client and Commission officers in taking the deposition at Fort Gibson.

Commissioner Breckinridge: The allegations of this witness are material in their character and are quite tangent. The Commission in its investigation would acquire information of the character if it knew of its existence anywhere. While the functions of the Commission are well known are in many respects judicial yet it is invested with somewhat complex powers, such as [illegible] from time to time is business of certain character, [illegible] ordered to make a correct roll, which is a duty largely [illegible] hearing [illegible] is brought before them. [illegible] and [illegible] that roll and if evidence [illegible] before the Commission it may [illegible] that consideration of the law. The Commission [illegible] this information independent of any counsel [illegible] respect to the applicants and to the Nation.

is not able to come one of the Commissioners will go to Fort Gibson and to his bed-side, or send a proper official, if necessary to take his testimony. The only matter to consider, therefore, is one of convenience with respect to getting this testimony. Now, I understand that this witness is an extreme sufferer from Bright's Disease he is an old man and he may never be able to get out of the house, and it may be an injustice to him to subject him to a trip here, and therefore it seems to me better that counsel for plaintiff submit to a form of taking a deposition or else accompany an official of this Commission over to Fort Gibson and let his testimony be taken there.

After consultation with the attorneys upon the two sides it is found to be agreeable that the parties start to Fort Gibson to-morrow morning at half past eight o'clock, and it is agreed then and directed with an official of the Commission with a stenographer leave from the office of the Commission for Fort Gibson at 8:30 to-morrow morning.

FRANCIS M. DAWSON, the applicant, re-called for additional cross-examination on part of the Cherokee Nation:

MR. HUTCHINGS:

Q What is your name? A Francis M. Dawson.
Q Where do you reside? A In Afton.
Q You have been examined in this case heretofore, have you?
A I don't know which case it is.
Q In your own case? A Yes, sir.
Q Are you the one that is commonly called Bud Dawson? A Yes, sir.
Q You made the original application in the Dawson family for admission to citizenship in the Cherokee Nation, didn't you? No, sir; my brother.
Q What was his name? A A. E. Dawson.
Q You and Robert Dawson and Elbert Dawson and others applied September 24, '81, about that time? A Yes, sir.
Q And you were admitted about the 11th of January '83? A Yes, sir.
Q There were other members of your family that applied and were admitted after that time? A Yes, sir.
Q Do you or not remember the evidence offered in their to establish their cases was the relationship between yourself and Robert and others and the evidence of your admission by the Tah[illegible] Court. In all the subsequent admissions I mean the only evidence of [illegible] was the fact that you and your brothers had been admitted before and that they were kin to you; that was the only evidence offered in any subsequent cases, wasn't it; so far as you know?
A That in after-wards?
Q Yes, after wards? A I think there was some other evidence introduced.
Q Don't you know that there was never any evidence of any in any other case except evidence of Dr. Miller of Arkansas, sir.
Q Who else? A Oliver Miller.
Q Who was Oliver Miller; the records in this case show that he was [illegible] stroke and mutilated? A Oliver Miller [illegible]
Q What was he, who was he? A He is a [illegible]
Q Well, what station in life did he occupy? [illegible]
A Yes, sir, former.
Q Were you present when he testified? A Yes, sir.
Q Were you present when Dr. [illegible] testified? A Yes, sir

Q Have you a fair recollection of the testimony of those two men?
A No, not at all.
Q You don't read do you, Mr. Dawson? A No, sir, I dont read nor write; I can barely write my name.
Q Do you think you would remember the testimony of Dr. Baker if your mind was refreshed on it? A Part of it I think.
Q Were you present when you were admitted? A I was not in the room.
Q You were in Tahlequah at the time? A I was in the town of Tahlequah at the time.
Q I will read this paer to you and desire for you ro say whether or not it was the testimony of Dr. Baker in your case:

(Affidavit of Dr. Arthur Baker read to witness, and asked to be copied in the record later.)

Q Is that the correct transcript of the testimony? A It has been so long ago, I could not say; a part of it is, I could not remember it all.
Q Does that state the facts as to the family history correctly so far as you know about it? A So far as I know.
Q Now, you were a son of what Dawson? A Robert Dawson.
Q How many children did Robert Dawson have, and give me their names?
A Elbert Dawson, the oldest; Lila, Jesper, Francis Marion-
Q That is yourself? A Yes, sir; Elizabeth Dawson, Josephine Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson, Edna Dawson, Mollie Dawson, Wilburn Dawson.
Q Thirteen? (No response.)
Q Now, Rober Dawson's father was whom? A Sam Dawson.
Q Who was Sam Dawson's wife, your grandmother? A I have been told.
Q By family history is all you know? A She was called Polly Dawson.
Q Who was Anna Pruitt? A I don't know.
Q Never heard of anybody in the family by the name of Anna Pruitt? A No, sir, that was away back in the old country; I have heard talk about it, old Dr. Baker talked about it.
Q Your grand-mother's name was Polly Dawson? A Yes, sir; I don't remember seeing her but once, she died when I was small, died in Texas.
Q Pollie Dawson? A Yes, sir.
Q And she was known to be Pollie Rogers, her maiden name? A Yes, sir.
Q Daughter of Captain John Rogers? A Yes, sir.
Q Now, she died in Texas what time? A I don't remember.
Q Can't you guess at it? A Oh, I could guess.
Q Give your best recollection? A About '58 or '59, or no, '48 or '49; I don't say positive, just guessing at it.
Q How old a boy were you then? A I was born in '42.
Q Have you any distinct recollection of her? A No, sir.
Q Have you any recollection of all the children of Sam and Pollie Dawson; that is, your father, uncles and Aunts? I didn't see all of them.
Q Do you know by family history the names of all of them? A Yes, sir.
Q Will you give them to me?
A Betsy Ann Dawson, I believe her name was.
Q Did she marry a Petty? A Yes, sir; the next to Robert Dawson.
Q Your father? A Yes, sir.
Q Next one? A I think the next was James Dawson, and I think the next one was a girl, Edna Dawson.
Q Did he have two daughters? A Yes, sir.
Q Tell sir? A The next one was Joe Dawson; I never saw him. Filo Dawson.

Q That is Samuel R. Dawson, Riley Dawson? A Yes, sir.
Q Any other one? A That is all I know anything about.
Q Did he have any child by the name of John? A Yes, Jack.
Q Didn't you get Jack misplaced with Joe? A No, it was Joe; I have heard my father speak of him.
Q Then they have seven children? A I never saw them all.
Q How many of them did you ever see? A I saw Uncle Riley Dawson and Jarvis Dawson and Jack Dawson and Betsy Ann Petty; I don't think I saw that one of Pa's sisters and brother, they went to Mississippi I think.
Q Do you know what your family history says that the mother of your grandmother, Sallie Rogers' name was? A We have no history.
Q Well, as it was brought down to you; did you ever hear anybody say what your great grandmother's name was? A No, I don't remember.
Q What is that other man, Oliver Millerthat testified in your case? A He testified in James Dawson's case; he never testified in my father's case.
Q Well, didn't anybody testify in your case but Dr. Baker?
A Yes, sir, several other witnesses.
Q Who were they? A I don't remember; my mother got them witnesses around Tahlequah, old people.
Q Were you present? A No, sir.
Q You were only present when Dr. Baker testified? A Yes, sir.
Q Now, do you find any mistakes in Dr. Baker's statement there?
A I could not say all of them was correct or not, part of it is correct.
Q What part is correct? A Why about knowing the family over there.
Q Who is Buck Dawson? A My brother.
Q What is his name? A We always called him Buck, it is Elbert, E. Dawson.
Q Who went with you the first time you went up to make application for citizenship do you remember? A With my brother.
Q The first time? A I got my brother in Texas.
Q Which one? A E. Dawson.
Q That is Elbert or Buck? A Yes, sir.
Q You were living in Arkansas? A Yes, sir.
Q And he was living in Texas? A Yes, sir, and another one of little brothers, Dr. Dawson now:
Q Dr. Dawson now? A Yes, sir.
Q What is his name? A James.
Q And you three went there? A Yes, sir.

Mr. McKennon: Applicants by their counsel object to all the statement of the witness relating to the testimony introduced before the Cherokee Citizenship Commission, and the history of the family as detailed by him, because the same is incompetent and irrelevant, and cannot be used for the purpose of impeaching the integrity of the judgment of said Commission, or either of the Commissioners in admitting members of the Dawson family.

Commission: The objection of the Attorney for the applicants to the testimony above will be noted. The same will be filed and noted for what it is worth.

(Attorney for applicants waives examination.)

C. E. TAYLOR, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A O. M. Taylor.
Q Where do you reside, Mr. Taylor? A In Nowata, Coffeyville.
Q Were you an attorney before various citizenship Courts along in '21 to '25 in the Cherokee Nation at Tahlequah? A Yes, sir.
Q Were you attorney for F. M. Dawson commonly known as Bud Dawson? A Yes, sir.
Q Were you present at the taking of testimony in that case? A No, sir; I wasn't present.
Q Do you know who composed the court that decided the case at that time? A Yes, sir.
Q Who were they? A Tom Tehee and Alex Wolfe and Tommy Thompson.
Q Do you know whether or not they were all there when the case was decided? A No, sir, there were only two of them present.
Q Which two? A Tehee and Wolfe.
Q Who was the Clerk of the Court at that time? A Mr. Duncan, D. W. C. Duncan.
Q Do you know what witnesses were used in the case of Bud Dawson? A No, sir; now I was the attorney in the case and the evidence had already been filed before the Court.
Q When were you made attorney? A I was only called in as an attorney at the—Well, Mr. Duncan came down there, and Mr. Bryant had the case and several other attorneys had the case and he employed me.
Q Did you read the evidence in this case? A No, sir.
Q Did you deliver any money? A Now, I was the attorney in the case and I don't think it would be right for me to make any statement.
Q Now, you have claimed your privilege, I ask that you answer the question? Did Dawson ever hand you any money with the direction to pay it to either member of the Court or the Clerk of the Court, D. W. C. Duncan, and if so state the amount? A I had a head of trouble over this matter.—

Commission: Just answer the question, Mr. Taylor.

A Being the attorney I don't believe it is right for me to answer that question.

Commission: Do you refuse to answer? A Yes, sir.

Q Did the matter to which you object to testifying occur prior to the rendition of the decision admitting to citizenship or afterwards? (No response)

COMMISSIONER BRECKINRIDGE:

Q Do you decline to reply to the last question? A I don't think it is right; I was attorney in the case.

Q Mr. Taylor, do you object to answering that question? A Yes, sir. You refuse to answer that question, do you? A I had rather not answer it.

Q Either answer it or say you won't answer it? A I had rather not answer it.

Q Mr. Taylor, you have answered a number of questions down to this point, and it is at this point that you prefer to claim your privilege, as an attorney, do you? A Yes, sir.

Com'r Breckinridge: The power in regard to these matters is lodged in the United States. The Court is clothed with special power with reference to the orders that arise through this Commission. Of course the decision rendered by the Court made for the sake of a correct roll the fullest information possible, but it is subject to the limitation of law, and it is not for this Commission to decide of the law in the matter of this character with any authority as I understand it, but this office, but to report the matter to the United States Court for the Court to pass judgment.

Under Section 21 of the Curtis law as it is commonly called Act of June 28 1898, the members of the Commission shall in performing all duties required of them by law, have authority to administer oaths, examine witnesses and send for papers and persons, and the court is clothed with authority to enforce obedience. The law having enumerated certain powers goes on to say so far as all others are concerned to enable said Commission to take rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work. Now, the Commission will report the facts to the United States Court and let the Court decide whether or not you are within your lawful privilege. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what what is commonly considered a matter of privilege--according to an authority referred to by an attorney, but the enforcement of an answer seems clearly to be a matter for the Court to deal with.

Q Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct that you make answer, and if you refuse I shall report the matter to the United States Court; do you refuse? A Yes, sir.
Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer; viz: as to whether Mr. Dawson sent you money to pay to the Court or to any officials of the Court, it seems to come to the question as to whether there was any collusion between you and Mr. Dawson and any member of the Court; now, I understand that you refuse to answer that question upon the grounds that you were Mr. Dawson's attorney? A Yes, sir.
Q Now, I require that you answer that question, do you refuse? A Yes, sir.
Q I shall also report that refusal to the United States Court as it seems to come under the provision of law, relating to conspiracy between you and Mr. Dawson which apparently considered a privilege matter, and you base your refusal now, not upon the ground that you are incriminating yourself, but that you were counsel for Mr. Dawson. I will report the matter to the Court and you will be informed at the time of any proceedings in the matter I caution you not to talk with Mr. Dawson or any of the applicants in this case.

Mr. McKennon: Applicants do not object and have not objected to the witness answering on account of his privilege as an attorney or for any other cause whatever, they only want to object to the incompetence and irrelevancy of the testimony, with the privilege of cross-examining upon any testimony given by the witness.

COM'R BRECKINRIDGE:
Q You still refuse having the consent of the attorneys in the case to make answer? A I will just ask your Honor to let the matter go over until morning.

Commissioner Breckinridge: It will rest until in the morning at its present status: it is after business hours now.

As for the objection made by Captain McKennon, Counsel for the applicant, it will be taken into consideration, but will not be granted at the present.

(The Commission adjourns until 1:30 P. M. to-morrow, March 13, 1901.)

Supl.-C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., March 18, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS M. DAWSON ET AL., as citizens of the Cherokee Nation:

Appearances:
Mr. A. S. McKennon, of Counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

SAMUEL H. BENGE, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Samuel H. Benge.
Q Where do you reside? A Fort Gibson.
Q How old are you? A I am 70 years old, going in 71.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; Cherokee by blood.
Q State what official position you have held in the Cherokee Nation and what your general connection with the Nation officially in the last 40 years? A Well, I had several; I have been Sheriff, Councilman, Senator, Delegate to Washington; had a hand in making the treaty of 1866, I am the only one living that signed that treaty; President of the National Council of different tribes of Indians.
Q Were you acquainted with F. M. Dawson, commonly called Bud Dawson? A Yes, sir; I knew him.
Q State you connection with and what you know about his citizenship case before what is known as the Thomas Tehee Citizenship Court? A Mr. Dawson came down, I was living down below here, he come and employed me to tend to his case and we went to Tahlequah, I believe if I ain't mistaken in 1881 and filed his case there; we went several times and continued his case on for the want of evidence, and finally while we was up there we run across one old darkey by the name of Tosh Rogers; we got his testimony and after we got that testimony we concluded that it was sufficient to go into the trial with. Tosh lived here at Fort Gibson, he was a horse trainer down here and stayed here; he claimed that he knew the Rogers and belonged to one of them and after what we thought we had sufficient evidence we submitted our case to the Court for trial, and the Court went to work and rendered a decision against Mr. Dawson. I told Mr. Dawson right there that "our case is dough", just made that remark, and he just made the remark "never mind", and next morning they taken up his case again and they rendered a decision in his favor. I filed no motion nor any evidence at all whatever; I give the case up right there and the decision was then given in his favor, and on our way back from Tahlequah, why we got to talking about the case and I told him: "it was a pretty hard blow when they rendered that decision against us." He said: "yes, but Duncan was too much to reach", but he reached him with five hundred dollars.
Q What position did Duncan occupy? A He was a Clerk of the Court.
Q Duncan an educated man or—? Yes, sir; he was all educated man.
Q Who were the members of the Court? A Tom Tehee, Alex Foreman and [illegible] Thompson.
Q How many of those could speak English at all? A One.
Q Who was that? A Tom Tehee.
Q [illegible] attorney that represented the Nation in those cases?
A [illegible] Benge.

Q That was his given name? A Wilson Sanders; was it Wilson Sanders?
A Wilson Sanders.
Q Was he an educated man, or could speak English well? A No, sir.
Q Did Mr. Dawson say anything about the matters having cost him a good deal of money? A He said it had cost him a right smart.
Q Was any remark made on the way back about the opening up of the case, and if so, what? A He asked me if I thought the case was ever investigated eventially and I told him I didn't know.

MR. McKENNON:

Q Were you ever a witness in the Dawson case, Judge, in any of those investigations that have been made since that time? A I don't know that you might call it a witness; that young man came to me once at Tahlequah, and asked me to help him up there that the case was going against him, him and his mother and all was about knocked out and I interceded and done what I could there before the Committee. I was not a witness but that is as I don't for him.
Q That was Mr. Graham, wasn't it? A Yes, sir.
Q Have you had conversations with Mr. Graham since that time about it? A Now, I might, I don't recollect, I might have had conversations with him.
Q Well, after the Dawes Commission began taking a census of the Cherokees and when they were about Sallisaw down here, did you have a conversation with him here in Fort Gibson about the matter?
A Now, I just can't tell you; I have seen him on several occasions, but the conversations we might have had I can't state.
Q To refresh your memory I will ask you if he did not tell you that they were making a fight on the Dawson family and he wanted to know of you whether that judgment in favor of Robert Dawson's family was fairly rendered, and did you not then tell him that it was all right, that it was fairly obtained? A Not as I recollect of; all he was; that is as I have stated he talked to me in regard to his father, himself and probably his brothers and sisters, I don't recollect how many there were, but he told me they were rejected, that is just the words he used.
Q When? A It has been sometime ago.
Q Here in Fort Gibson? A Well, that is I saw him here in Fort Gibson, and then I saw him in Tahlequah.
Q Well, did he here in Fort Gibson ask you particularly about the Robert Dawson judgment, as to whether it was fairly obtained or not?
A No, sir; he was basing his claim on the Dawson case, that is the way he-
Q That is the principal Dawson family? A Yes.
Q When was this other written statement here made, when was this made by you? (referring to affidavit heretofore referred to.)
A Yesterday I reckon.
Q Who came to take this? A Mr. Starr.
Q Who else was present when this was taken? A No, sir.
Q Now had you told about this matter, Judge? A No one as I know of.
Q Do you know how it was that they knew that you knew this?
A No, sir..
Q You never made any statement? A Never made any statement that I recollect of except I might have talked with Scales, and Mr. talked about these cases a good many times; if I ever made a statement it was to Joe Ab Scales.
Q How did Mr. Starr know? A I couldn't tell you how he knew.

Q He came alone here as a N tary Public? A He came alone here as a Notary Public. All he said when he come, he says "we understand that you know something in regard to these cases", I said " what case," and he went to work and named Shoemake case and Dawson case.
Q And thereupon you made this tatement? A He said he wanted to qualify me.
Q Are you certain Judge that after the rendition of that judgment Mr. Dawson came back here to Fort Gibson with you?
A Yes, sir; we was together.
Q Let me ask you if it was not a very cold day when he came here and he went over ahead of you and you went over to Tahlequah the next day or two after he left? A My recollection was he and I went together.
Q And returned here together? A Yes, sir.
Q Did he not leave you there and go back direct to Arkansas?
A No, sir, we care here together. If my memory serves me right, I might be mistaken but then I don't believe I am, he came from Webbers Falls up here to my house, that is according to his statement.
Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.
Q How didthey pay you? A Paid me the money.
Q Who paid it to you? A Dawson there and that fellow, young fellow paid me some.
Q Mr. Grahar? A Yes.
Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.
Q I will ask you if Mr. F. M. Dawson here did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you $50 that they paid you? A No, if I ever got a letter of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over in Arkansas, but not living down in Texas, I don't know about it.
Q Where did he pay you the money? A Paid it here at home.
Q Before you went out? A He paid me fifty dollars before we went up and when we went up yonder he paid me fifty dollars more; if you want to know what I got, I got one hundredn dollars.
Q You were acting as his attorney in the case? A Yes, sir.
Q How many judges were there present when the judgment was rendered in his case?
A Yes, sir. A Well, according to my recollect there was all there, but if they were not all there, Tom Thompson was sick. Tehee and Wolfe.
Q Don't you remember that they were all present? A No, I think they were present though.
Q Who else was present at the time? A Oh, I could not tell you, there were several people in the house; could not tell you at all.
Q Were there several in the house the evening before the judgment was rendered against them as you say? A Yes, there were several in the house.
Q And several in the house when the judgment was rendered the next day? A I don't know how many there was.
Q Do you remember the names of any of them? A Why not exactly, mostly full bloods.
Q How long didyou remain out at Tahlequah on that trip?
A I guess I was there about three days.

Q Tending to this case alone, or did you have other cases? A no, sir.
Q Do you know of your own knowledge that the judges received any money (this question asked at the instance of Mr. Graham present) A I don't know whether the judges received nay or not.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony had this day in the above case, and that the foregoing is a true and complete transcript of My stenographic notes thereof.

(Signed) J. O. Rosson.

March 18, 1902. Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. H. TAYLOR takes the stand and continues his testimony.
BY MR. HUTCHINGS:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today; have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held as in contempt of the Court.
Q You would be held in contempt and the other Court would make you answer? A That being he case of course I would make a statement.
Q Are you acquainted with D. W. C. Duncan, the Clerk of what is known as the Tehee Citizenship Commission Court? A Yes, sir.
Q Did you ever have any conversation with him about letting him know of the different character of cases that would come up before the Court that you knew of, whether they were good ones or bad ones? A No, the only thing that ever come up in that respect; he asked me if whatever large cases that would come up befoe the Court to let him know.
Q Did you have any talk with him about the Dawson case during the progress of its trial or before and ever introduced Mr. F. M. Dawson to him, or carry him to him? A I spoke to him when Mr. Dawson came to Tahlequah to see about his case, and he said that he would take the papers over to his room, the Dawson papers.
Q Did you see him again that night? A Yes, sir; after supper I went down to his room.
Q Did he ask you about the Dawsons or Dawson case? A He asked me where Dawson was.
Q Which Dawson are you referring to now, F. M. Dawson, known as Bud Dawson? A Bud Dawson.
Q Well, what didyou reply to him? A I told him that I thought he had gone to church.
Q Did you find Dawson after church? A Yes, sir, he told me to go and bring Dawson down and I did so; Dawson was in church.
Q You carried Dawson to him? A Yes, sir.

Q Did you remain during the conversation? A Only a minute.
Q What was said if anything while you were present? A Mr. Duncan spoke to Mr. Dawson and says "there is a hitch in your evidence."
Q Go ahead and state what else he said? A He said "if that was straightened out it would be all right," and I turned and went away, I says, "gentlemen, I will go home."
Q Did you know of their having any other conversation or communication after that? A No, sir.
Q You left them there together yourself? A Yes, sir.
Q Did Mr. Dawson give you any directions the next morning about submitting the case? A Yes, sir, he asked me to call it up the case.
Q The next morning? A Yes, sir.
Q Had there been any additional evidence offered? A No, sir; there was not additional testimony offered.
Q He told you the next morning to call up the case? A Yes, sir.
Q Was it called up and submitted the next morning? A Yes, sir.
Q Now, how many of the members of the Court were there present that morning? A There were only two, two full-blood Indians.
Q Could they speak english at all? A Tehee could talk a little, talk some.
Q Did that Court have open sessions all the time or what is called executive sessions sometimes? A Well, I don't remember about that; it was generally when the case was submitted th attorneys would go out. The parties would go out and they would determine the case.
Q Well, did they go out into that sort of executive session the next morning on the Dawson case? A Well, we went out when the case was submitted.
Q And was the decision rendered that morning in their favor?
A Yes, sir.
Q Who notified you of the decision of the Court? A Why, Mr. Dawson.
Q Do you remember whether he went out with you or was in there during the consideration of the case? A I think he went out with me.
Q Did you at any time thereafter receive any money, checks or other evidence money from Mr. Dawson with direction to turn it in part over to D. W. C. Duncan, the Clerk of that Court? A Mr. Dawson gave me 20 dollars and said he would send the balance in a short time, said he would send some more money in a short time.
Q Well, did he send any money afterwards? A Yes, sir, in the course of ten days or two weeks he send a hundred dollar check, draft.
Q What did he direct you to do with it? A He directed me to give D. W. C. Duncan half of it.
Q Did you give him half of it? A Yes, sir.
Q Did he send you any at any other time after that? A Well, in the course of a couple of weeks he sent me a hundr d dollars more.
Q Did he direct you to turn any of that and if so how much, to D. W. C. Duncan? A He told me to give him half of it,
Q Did you give him half of it? A I did, sir.
Q Do you remember whether or Dr. Arthur Baker was the principal witness in behalf of the Dawson case? A No, sir, I don't because I never had any connection with the case, but I he rd that he was a witness in the case.
Q No argument was made when you submitted the case? A No, sir.
Q Just submitted it on the testimony? A Yes, sir.

MR. McKENNON:

Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Were you born and reared in the Cherokee Nation? A No, sir. I was born in the old Nation.

Q When did you come to the Cherokee Nation? A Come here in 18[illegible].
Q How long have you been practicing law in the Cherokee Nation?
A I think since '68.
Q You have done a great deal of citizenship business haven't you?
A Yes, sir.
Q You were in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.
Q Were you convicted there? A Yes, sir; I was convicted there on this very case.
Q And served a term of what length? A I was sent to the jail hospital for sixty days and I stayed in about 38 or 39 days, and I was released.
Q When was that? A I don't remember how long ago it has been.
Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention; Clem Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.
Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the mail for fraudulent purposes.
Q Sending out propositions and obtaining case for citizenship for people [illegible] Cherokee Nation? A No, sir, it was for answering correspon[illegible].
Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went before the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.
Q Well, now, was the charge based upon that or was it based upon your letters you sent out to other people? A That was the charge for using the mail for fraudulent purposes.
Q The use of the mails for fraudulent purposes not in connection of this case was it? A Not particular of this case.
Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is what you mean to say? A Yes, sir.
Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.
Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.
Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.
Q Yet when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occured between you and your client, Bud Dawson, in relation to this [illegible] matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.
Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he summoned me and I come down here and I didn't want to make a statement to him but he insisted.
Q He had no power to compel you to make a statement? A No, sir.
Q You could then make it very freely and your conscience did not hurt you, but when you came on the stand you had every conscientious about it? A I didn't want to make a statement at all unless I would be put in jail here if I didn't.
Q But you had armed them with information by which they could ask you those questions when you came on the stand? A I had told Mr. Hastings

Q You knew when you gave him that information that you would be brought on the stand as a witness, did you not, by reason of that? A No, I didn't know that I would be compelled to make a statement in the matter, a sworn statement.
Q You thought you would not be compelled to answer?
A I didn't think the law would compel me to make a statement.
Q Why then did you make a statement to him about it? A Oh, he was asking me about it, and I told him that I didn't want to make a statement, and I didn't for quite a while after I came down here.
Q When the enrollment division of the Dawes Commission was in Tahlequah, in the winter of 1900, did you not there meet F. M. Dawson and did you not then and there say to him "I told Shoemake I would be for him if he would employ me in his case and if he didn't I would be against him, and the same to you?" A No, sir; I said to him this; I says that if there is not something done that I will likely be summoned against you and Mr. Shoemake both.
Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it. I was going out of town just as he came in.
Q When you told him if something was not done you would be summoned as a witness against him; what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.
Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?
A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your client to you in one instance, but if a little more money was put up you could not be required to make a statement; is that what you mean? A I didn't think I could be forced to make a statement at all in the matter.
Q Why did you make that expression to him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I meant if I was employed in the case.
Q If he would put up you would not testify? A That they could not force me to testify.
Q About the month of February, 1901, in the town of Wagoner, Indian Territory, did you not send your son to get Graham to come to the hotel at night, and did you not then and there say to Gid Graham; "you people are on the doubtful list and if you will give me $500. I will make it all right and see that you are enrolled and if you don't I will see that you don't get on"? A No, sir; I got a letter from Gid Graham in which he asked me to certify that the case was all right and after I met him I told him that I could not do it, that the case was crooked, he then said to me, he says, "I will give you a hundred dollars", he says "will you take a hundred dollars," I said "no, sir." I didn't make any bid, that is I didn't set no price with him.
Q You did not say to him then what I have embraced in that question there? A No, sir.
Q You did have a conversation with him about that time and at that place, did you not? A Yes, sir.
Q You say you didn't make any bid or set any price? A No, sir; he offered me a hundred dollars.
Q Why did you send for him to come to the hotel? A In answer to his letter.

A Did you not [illegible] yesterday morning on the street in Muskogee, Indian Territory, in a conversation with W. H. Shoemake say to him: "You have made a great mistake in not keeping in your employment and so have the Dawsons and it will go hard with you and you will see it"? No, sir; I says to Mr. Shoemake, I says: "Who have you employed in your case," and he says "Judge Thomas and Mr. Owen." I said "It might have been a advantage to you if you had retained me in your matter;" Well, he says "there was nothing wrong in my case" and I says "no, there is nothing wrong on earth in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I says "there is not a thing on earth wrong in your case as I know it came up fairly and squarely and decided in your favor."

Q You said nothing to him about the Dawson case? A Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am summoned on the part of the Nation and I don't want to make a statement and I want if I can possible avoid it."

Q Was that before or after you talked with Mr. Hastings, the representative of the Nation? A It was afterwards.

Q You meant by that if you had refused to answer you would have gone to jail? A No, sir; if they had employed me before hand I meant not now.

Q You mean that if they had employed you before hand you would not have given this information to Mr. Hastings? A I would not be required, being the attorney.

Q Were you required to give him the information; did you know that you had to give him any information? A Who do you mean.

Q Mr. Hastings. A I did refuse him and he insisted.

Q Well, he no authority to compel you to do it? A No, sir; I don't know whether he did or not.

Q As a lawyer you knew that he did not have authority to compel you to make a statement to him? A I told him tht I was an attorney in the case and I didn't want to make any statement at all.

Q Why did you do it? A Well, he intimated to me it would go no further. He said to me "I will not make this matter — I will not use it;" that is, what I stated to him was part in confidence.

Q And he pledged you his word that it would not be used? A Well, told him I could make a statement in confidence, and that I didn't want to make a statement before the Court.

Q Well, what did he reply, as you said just now? A Oh, he says [illegible] the statement and then I told him—I regretted very much to do it, and I regret very much to make a statement here. I tried to avoid it yesterday.

Q You stated just now that he said it would not be used; did he say that or not? A Well, something to that amount; oh, he said it won't make any difference or something to that effect.

Q Now, don't you know that Mr. Hastings was not intimating to you that the statement he was asking you to make would not be used? A Well, I didn't think that I could be forced to make a qualified statement before the Court here, because I thought my license would protect me in that matter.

Q Yet it did not protect you or prevent you from making a statement to the attorneys for the Nation? A No, sir.

Q Now, in this conversation with Shoemake to which I have referred did you not ask him to again employ you and tell him if he would you would make it all right for him? A No, sir; I [illegible] Mr. Shoemake, I said if he had employed me in the matter "maybe it would [illegible] for you." Now, he offered to pay me I [illegible] that week, he offered me five dollars to go [illegible] lawyers on the matter, I didn't go I was busy.

Q That was not your price? A No, no, I had nothing to say in his case that would be to his advantage; I knew nothing against him.
Q Now, then, you say that your were present on the morning that the judgment was rendered in favor of the Dawsons? A I was not in the Court house.
Q You were present in Tahlequah? A Yes, sir.
Q How long had you been at Tahlequah? A I was living there at that time.
Q When were you first employed by them? A By Dawsons?
Q Yes, sir. A The evening before the case was tried.
Q You say that after he judgment was rendered Dawson handed you $20? A Yes, sir.
Q And told you to hand to Duncan? A No, sir.
Q What was your statement? A That he paid me $20 and says "I will send you some more in a short time, week or so.
Q And then he sent you $100? A Yes, sir.
Q And wrote you to give D. W. C. Duncan $50 of it? A Yes, sir.
Q And then sent you another $100 and told you to give him half of it? A Yes, sir.
Q How much did they pay you? A Well, that was the agreement, was that he would pay me $50 a family.
Q How much did he pay you? A I think there was $250; now I am not sure about the $50, but it appears to me like there was a $50 sent, and Mr. Duncan asked me, as well as I remember, says "have you got a letter from Dawson," I told him "yes, sir." It was either that or the $100, and he says "I would like to have some money", and I went to Stapler's and got it changed-- I won't be sure about it being $50 or $100--I went to Stapler's and got him to cash the check and give him his part of it.
Q How much did they pay you for your services? A That is all I got.
Q How much? A I think it was $100, $120.
Q What did you do for them? A Didn't do a thing; only called up the case and submitted it; never read the evidence.
Q Submitted it without regard? A Yes, sir.
Q And for that you got $120? A Yes, sir; $120.
Q Was Houston Benge present when it was done? A No, sir; I don't think he was.
Q Did you see him then at that time in Tahlequah? A I don't remember.
Q Were you associated with him in any manner in connection with the case? A No, sir.
Q You had a great deal of business of that character, have you before the Courts? A Yes, sir.
Q Were you paid like fees in other cases for like services? A Yes, sir.
Q In any of them? A Yes, sir, a good many.
Q All like cases? A Oh, citizenship cases.
Q When was it you were in jail at Fort Smith? A I don't remember; Mr. Lollette can remember, he was there, he was in attorney.
Q Was it about 1893? A It was more than that, about 1890 somewhere.
Q That has been your principal business as an attorney, has it? A Yes, sir.
Q You have never practiced [illegible] Fort Smith? A [illegible]
Q Were you in the habit of [illegible] your fees in any manner in which you state [illegible]? A No, [illegible].

Q This was an exception was it? A I never worked this case through. I simply called the case up by request of Mr. Dawson. I read the evidence; don't know what proof there was in it; he just asked me to call the case up.
Q And he agreed to pay you $50 a family for doing that? A Yes, sir.
Q Was that what you required of him? A That is what he agreed to pay. I says "what will you give?" He says "I will give you $50 a family.

MR. HUTCHINGS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoemake case didn't he? A Yes, sir.
Q And you told him at that time before you knew anything about whether you would be made or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemake case? A Yes, sir; that is what I said.
Q You told him at the same time that you not only expected to claim your privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKennon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strengthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.
Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.
Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.
Q And let the Court decide? A Yes, sir.

MR. McKENNON:

Q Now, have you a license to practice in the United States Courts? A Yes, sir.
Q In the Territory? A Yes, sir.
Q And also in the Indian Courts? A Yes, sir: do you want to see them?

JAMES W. LEWIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name please? A J. W. Lewis.
Q James W. Lewis? A Yes, sir.
Q Where is your postoffice, Mr. Lewis? A Afton.
Q How old are you? A 73 years old.
Q What is your business ? A I work at the tin business and gun work.
Q Do you know one James Dawson, the brother of F. M. Dawson and the other Dawsons? A I know old man James Dawson.
Q That is the one I mean, old man James Dawson? A Yes, sir; I know him.
Q How long have you known him? A Well, some four or five years. I guess.
Q How long? A Four or five years I think.

Q When did you come to the country? A I have been in the country 70 odd years.
Q Well, when did he come to the country, do you know? A Along about somewhere in eighty if I recollect right, might have been later than that.
Q How did you happen to be acquainted with? A He lived right close by me and I built a house for him.
Q Did you have any conversation with him at the time you built that house? A Yes, several different times.
Q About how he became a citizen of the Cherokee Nation, about the circumstances? A Yes, sir.
Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?
A Well, he told me that it cost him $700 to get his rights.
Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

MR. McKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewheres near about 70 years old, he might have been older than that, I don't know.
Q He was a very old and feeble man? A Yes, he was old and feeble.
Q He seldom ever got out away from his house? A No, sir, only short distance.
Q When you first knew him he was that kind of man? A Yes, sir.

J. L. CLINKENBEARD, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A J. L. Clinkenbeard.
Q What is your post office address? A Vinita.
Q How old are you? A 56.
Q Were you ever an applicant for citizenship before the Tahoe citizenship Court in Tahlequah? A Yes, sir.
Q About what time was that? A September '81, I think.
Q Did you meet there about that time, one Elbert or Buck Dawson?
A Yes, sir.
Q How did you happen to meet him? A He and I stopped at the same place, ran's by the name of Sharbon.
Q You and he stopped there, did you, board there? A Yes, sir.
Q Well, did you have any talk about citizenship cases, yours and his? A
A Yes, sir.
Q Where did he state that he was from? A Texas.
Q Well, state what you can remember of the conversation between you from time to time about citizenship in the Cherokee Nation?
A Well, we were there a few more business and we talked about it at different times, and in talking about the evidence we had there I, of course, told him how many witness I had and what I could prove and so on, and he said that he didn't have but one witness, Dr. Baker from Arkansas, a man that was 85 or 90 years old, he said, and he hadn't come and said he was to have met him there, but he hadn't come.
Q Well, what did he say about the doctor's taking anything?
A Well, he said he was 85 or 90 years old and didn't now straight up.
Q Well, did he say anything about giving him whisky?
A Well, he said he could give him four drinks of Arkansas whiskey and he could swear that black was white.

Q Did he say anything about what money would do in Texas or Indian Territory? A Well, in talking about the evidence, he said that money was what took the land down in Texas and he said "I come to get the law of the land" and he says "I found out it goes here," or words to that effect.
Q Did he say what he had to spend on the question? A Well, he said that he could stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.
Q What did he tell you what he thought about the necessity of witnesses anyhow? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.
Q Well, where did he go from there? A He and I left there together; he came to Muskogee by way of Fort Gibson and there we parted.
Q Did you ever see him after that? A I saw him about two years or something like that afterwards.
Q Where? A Vinita.
Q Did you refer to the citizenship matter? A I asked him how he come out and he said all right.
Q Was he deferred in any way this man? A He had a crippled hand or stiff finger; I don't remember just what it was now.

J.R. McKENNON:

Q Your first conversation with him was in '81 was it? A Yes, sir.
Q What time in '81? A September.
Q You were then an applicant for citizenship? A Yes, sir.
Q Have you had it? A No, sir.
Q You are still an applicant? A No, sir.
Q You are still working to get in as a citizen of the Cherokee Nation? A No, sir; haven't quit it entirely.
Q What business are you in now? A I am running a dairy in Vinita.
Q When did you make these statements now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.
Q How did they ever know that you had had these conversations with Mr. Dawson? A I don't know.
Q You don't know how they found that out? A No, sir.
Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.
Q Now, did you approach him or did he approach you? A He approached me.
Q You know why? A No, sir; I suppose somebody I have told something at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have seen Mr. Hastings for years.
Q Now, you say—now was that expression about his giving Dr. Baker three or four drinks of liquor? A He said the old man; he said that Dr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he did or not; he said he was 85 or 90 years old; he said he didn't know straight up; said he could give him three or four drinks of Arkansas whiskey and he would not know black or white.
Q Now, he said that did he? A Yes, sir.
Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.
Q You say you next saw Dawson at Vinita? A Yes, sir.
Q How long afterwards was that? A About two years, I think something near that.
Q Did he move to the Territory? A Yes, sir he lived at Vinita at one time.

Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I sent the others to the country.
Q Do you run a dairy wagon there? A No, sir.
Q You serve on the jury a good deal? A I have been serving on the Petit jury there this winter.
Q Generally? No, sir.
Q Are you a kind of a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel and served.

C. C. BRAUGHT, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A C. C. Braught.
Q What is your age? A 62 28th day of last January.
Q What is your post office? A Fairland.
Q How long have you been living in the neighborhood of Fairland? A Been living there 19 years.
Q Do you know one Bud Dawson or F. M. Dawson as his name is? A I do.
Q How long have you known him? A About 13 years.
Q How close do you live from him? A Half a mile of him.
Q Does he still own that place? A I think he does.
Q Were you an applicant for citizenship along about '81 or '2 at Tahlequah? A Yes, sir.
Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.
Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the time that you had these conversations as near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to set up; he said it cost him $700 to get in; he said he paid one witness three hundred dollars.
Q Did he state the name of that witness? A No, he did not.
Q Who did he say he made arrangements with? A He said he made arrangements with the Court; that is, heads of families to get them in at one hundred dollars apiece.
Q Do you know what time of the year tht was, whether it was in the summer or not? A I think it was in June.
Q Did he make any other statements to you at any other time? A No, sir, I don't think he has in regards to that matter.
Q You have been living neighbors with him? A Yes, sir.

MR. McKENNON:

Q You say this was about June of '83? A I think it was in June, 1883, I won't be positive whether it was June or not.
Q You were an applicant; were you admitted? A No, sir.
Q Have you been admitted? A No, sir.
Q You are still an applicant? A Yes, sir.
Q Still trying to get in? A Yes, sir.
Q Where was this conversation had? A Had at Bud Dawson's house.
Q What part of the premises? that is, in his residence? A Yes, sir.
Q In the house? A Yes, sir.
Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.
Q Was there more than one room? A I won't be positive but I don't think there was but one room, log house.
Q Just one room? A Yes, sir.

Q And in that room he made this statement to you? A Yes, sir.
Q He and you are enemies are you not? A No, I don't think we are enemies.
Q You are not friendly at all? A Friendly part of the time, and part of the time we ain't.
Q Haven't you had considerable trouble about the lands between your farms? A No, sir; we ain't had any trouble.
Q Didn't you have his little boy arrested recently for a difficulty? A Yes, sir.
Q And you say that you are not on bad terms with him? A Why we speak, have conversation, have right right along all the time.
Q Is it not a fact now that you and he have been all the while at outs? A No, sir.
Q You don't have any unkind feeling towards him? A No, sir.
Q What were your other remarks? A I said no, sir, I didn't have any unkind feeling towards him.

(It being 5 o'clock, the Commission adjourns until 8:30 o'clock to-morrow morning.)

March 19, 1903.
Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of Counsel for Applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. C. BRAUGH, re-called, further testified:

MR. McKENNON:

Q Mr. Braught, you were a claimant under the Watts family are you not? A Yes, sir.
(witness excused.)

CHARLES D. KENNEY, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Charles D. Kenney.
Q What is your post office? A Dawson now.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; supposed to be.
Q Recognized as such are you? A Yes, sir.
Q How old are you? A There is no family record, my parents died when I was young, I just guess at my age, I am somewheres between 44 and 45 years old.
Q Were you personally acquainted with one Elbert or Buck Dawson? A I knew Buck Dawson when I saw him.
Q Did you know him in the state of Texas, if so state what time? A I knew Buck Dawson, knew him and saw him at different dates in Texas.
Q Well, in the year '81 in Clay County, Texas, did you ever see him? A It was in '81 or 82, I think I knew him in both years.
Q Did you ever have any conversation with him in the presence of Bill Smith, Jiles Flippin and Joe Preston about his application for citizenship in the Cherokee Nation? A Mr. Dawson and Flippins were talking in regard to grass down there before we one time and

it was mentioned, I was going up on the strip and Buck Dawson says "he an Indian" and Jiles said "yes, he is an Indian", and "By God," I believe is the way he spoke, "if I was an Indian I would not be punching cattle, I would have stock eating my grass."
Q What did he say about making application? A He said he was going to the Chickasaw Nation and prove up and get him some grass.
Q Who was that? A Buck Dawson.
Q Well, did anybody suggest about his going to the Cherokee Nation?
A Yes, sir, I told him, I says "why don't you go to the Cherokee Nation, why don't you go up home" I believe is the way I spoke it, "up amongst God's people;" and he says "are they all white like you?" and Jiles spoke up and says "majority of them."
Q Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow punchers, and Mr. Filpin says "Hell, I am going; brother John is getting ready to go now."
Q Well, then what did he say to you? A He says "Who are your best lawyers up there, Kenney," and I told him "Hooley Bell was counted the brainiest man in our country."
Q Well, do you know whether he claimed to have any Indian blood or what he was claiming in that country, whether white man or Indian?
A No, sir, I could not say what he was; he was generally known down there as Buck Dawson, a citizen of the State of Texas, that is all I know of him.

Mr. McKennon: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKennon:
Q Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Russ County, Texas. B. F. Alberty was my guardian.
Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date.
Q About what time? A It was sometime in '80 though.
Q What tribunal first? A I don't know; I don't know either when I was admitted, I was re-instated at Council.
Q When? A I think it was in '87 or '88.
Q Haven't you been arrested for crime and charged with crime?
A Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande.
Q For what offense? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road.
MR. HASTINGS, of Counsel for Cherokee Nation:
Q Were you ever convicted? A No, sir.

Mr. McKennon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. BABEART, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name, please? A Thomas B. Babeart.
Q What is your post office? A Mel-vin.
Q What is your age? A 49.
Q Are you a Cherokee by blood? A Yes, sir.

Q Did you know one James Dawson? A Well, yes; I did; I have seen him time or two.
Q Were you in Tahlequah about the time he had an application before the Spears or Snake Puppy Citizenship Court? A Yes, sir; I was there about the time the case was settled.
Q Did you know Aaron Butler? A Yes, sir.
Q Who was he? A He was a Cherokee Interpreter for the Court.
Q Do you know James Smith? A Yes, sir.
Q Who was he? A He was the Nation's attorney before the Court.
Q Well, did you about that time have a conversation with either Aaron Butler of Jim Smith in company with Mr. James Dawson? A Yes.
Q State the full particulars of it? A About that time this man Dawson and Butler came to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.
Q Well, did he say anything about whether he could get his case submitted if he had more money? A Well, from the language to me and Butler, he wanted this money; Smith had agreed to submit the case without further evidence in the matter.
Q Well, did you let him have the ten dollars? A Yes, sir.
Q Where did they go then? A They walked off up towards town.
Q Did they go together, those three? A Yes, sir.

MR. McKENNON:

Q Was that James Dawson, the leading applicant in that case?
A Yes, best of my recollection that was.
Q How old a man was he? A I don't know; I could not tell you; he looked, I don't know, he might have been—could not tell you just about how old he was.
Q Well, about how old was he, 25, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.
Q Is he living or dead? A I don't know.
Q Where have you been living? A I have been living down here near Tahlequah.
Q What was the man's name, Dawson's name? A Jim Dawson I said.
Q You are certain of that? A Yes, sir; I am pretty certain.
Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.
Q Dawson took you off to one side? A Butler took me to where Dawson was and introduced me to Dawson and vouched for Dawson being all right for the money.
Q When did you first make a statement of this matter to anybody?
A I guess—I don't remember when.
Q How long have you been in Muskogee this time?
A I have been here since, I was summoned here last Friday.
Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.
Q When? A Oh, about, first I remember it was been about two years ago, and Butler was talking to me about it; it was at my house.
Q Were you born a citizen? A Yes, sir.
Q You weren't admitted to citizenship by the Courts or Council?
A No, sir.
Q You have been living in the Cherokee Nation all your life?
A Well, I was born and raised here; I haven't been here all the time; I have been out and in.

Q You have never seen that man Dawson since? A If I have I have never known it, but I seen him the next day.
Q You saw him and took a good look at him, and know about what kind of man he was? I saw him around there about several times.
Q You think he was about 35 or 40 years old? A That would be my guess at it, my recollection.

Mr. McKennon: Applicants object to the testimony of this witness, all of it, because it is wholly incompetent and irrelevant.

DELIA A. BREWER, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your full name? A My husband's name was O. P. Brewer, but generally I sign my name Mrs. D. A. Brewer.
Q What was your full maiden name? A Delia A. Vann; well it was really Delilah but I never was called by that name, it was De altogether in my young days.
Q What was your father's name? A His name was Joseph Vann.
Q Was he called by any nicknames and if so how many, and what?
A None but the Cherokees, the full-bloods called him Joe Aney.
Q What does that name mean when you talk English? A Rich Joe.
Q Did any of them call him Big Joe Vann? A I don't know; he was a large man; larger than the other Joe Vann.
Q There was another Joe Vann? A Yes, sir.
Q Did your father have any sisters and brothers? A He had quite a number of sisters.
Q Did he have a half sister? A Had two half brothers.
Q Did he have a half sister? A Had several half sisters.
Q Who did they marry? A Different persons; I knew the names of all of them but I have a bad memory, but I know that there was one, a Mrs. Ibbie Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.
Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.
Q Never had any Rogers kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.
Q The Dawson case was talked of here for many years, they claiming kin?
A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that my family was prominent enough that they never claimed kin.
Q They never claimed kin at all? A No, sir.
Q Did your father ever had a sister or half sister by the name of Annie, Anna or Alsey? A No, sir.

Mr. McKennon: Applicants object to all the testimony of this witness because it is incompetent and irrelevant.

SAMUEL TOLLIVER DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:
A. P. HUTCHINGS:

Q State your name? A Samuel Tolliver Dawson.

Q What relationare you to the Dawsons? A Well, I a not acquainted with none of these Dawsons, I guess I am cousin, that is what he told me.
Q Who was your father? A Samuel Riley Dawson.
Q What did you say your father's name was? A Riley Dawson.
Q Do you know what his full name was? A Samuel Riley Dawson.
Q What children had your father? A Why, he has got, you mean his first children or his whole family?
Q I want all of his children? A I don't know, I will have to count a while on them, there was nine or ten of them.
Q Just one or two of them I care for: is Mrs. Lewis your sister?
A Yes, sir.
Q Your full sister? A Yes, sir.
Q Was she a daughter of S. R. Dawson, Jr.? A Yes, sir.
Q Now who were the parents of your father, , Samuel Dawson?
A Why Sam Dawson was his father.
Q Sam Dawson was his father? A Yes, sir.
Q What was Sam Dawson's wife, if you know their family history, what your father said or what your grandfather said? A I have heard that she was a Pruitt, my father said; of course I don't know.
Q What was her given name? A Annie.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q Saw him? A Yes, sir.
Q Do you know about how old he was when he died? A He was somewhere up about 90.
Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.
Q Was your father his youngest child? A Yes, sir.
Q D you know about when your father was born? A Well, no, I don't, he died in '90 and he was 67 years old.
Q He died in about '90 and was about 67 years old when he died?
A Yes, sir.
Q And he was the youngest child? A Yes, sir.
Q Now, do you know how many children your grandfather had , that is brothers and sisters of your father? A I heard him say seven.
Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?
A Well, I heard my father speak about it, I don't know that I ever heard my grandmother say anything about it.
Q Well, what did he say about it? A I have heard him say his mother was not an Indian.
Q Did you fathercome here and apply once for citizenship?
A Yes, sir.
Q Was he admitted? A I think not.
Q Did you hear him make any statements about he ground he expected to get in? A He said his brothers had proved their rights here and if his brothers had any rights he did, but I don't know.
Q Well, in that connection didhe say whether his mother was an Indian or white woman? A Never heard him say that his mother was a white woman in speaking about that, I don't know whether he said anything about that or not; I have heard him say his mother wasn't no Indian.

Mr. McKennon: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

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(Taking of testimony continued by Stenographer M. D. Green)

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

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(Continued from testimony taken by Steno. J. O. Rosson.)

March 19th, 1902, at Muskogee, I. T.

Appearances:
Mr. A. S. McKennon and Mr. Mellette, attorneys for the applicants.
Mr. W. T. Hutchings, and Mr. W. W. Hastings, attorneys for the Cherokee Nation.

EMMA BRASHIERS, being first duly sworn, and being examined testified as follows:

EXAMINATION BY MR. HUTCHINGS:

Q State your name? A Emma Brashiers.
Q What was your maiden name? A Emma Dawson.
Q What was your father's name? A Samuel Riley Dawson.
Q What was his father's name? A Samuel.
Q What was your grandmother's name? So far as you know from family history? A Her maiden name was Annie Priett.
Q Then your father, if I understand you, was the son of Samuel Dawson and Annie Dawson, nee Priett? A Yes, sir.
Q Did your father have a brother named Robert, and a brother named James? A Yes, sir; that is as I was told.
Q And had a sister named Mrs. Petty? A Yes, sir.
Q And another one named Mrs. McGee? A Yes, sir.
Q And another brother named John? A Yes, sir.
Q What relation are you to Mrs. A. S. McKennon? A Sister.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q You have a distinct recollection of him? A I, yes, I can remember him, but I was small.
Q About how old were you you suppose when your grandfather died? A About 6.
Q Was your father's birth recorded in the family Bible? A Yes, sir.
Q You know whether your grandfather's record of marriages and deaths were recorded in any Bible or not? A I can, but we have it.
Q What became of it? A Got burned.
Q Well, about what year do you recollect that your father, Samuel, was born? A I believe it was '22.
Q In 1822? A Yes, sir.
Q About how old was he when he died, if you recollect? A He was between 64 and 67.
Q Did you ever hear your father speak of his relations, his father, or mother, or any other kinfolks, as being full blood Indians? A Yes, sir, they were white people.

Q. You know whether in the family you grandmother was spoken of by the name of Annie, always? A Yes, sir.

BY MR. McKENNON: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

ALEX S. LEWIS, being first duly sworn and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A Alex S. Lewis.
Q What is your post-office? A Dawson, Indian Territory.
Q How old are? A 58 years.
Q What was your wife's maiden name? A Elizabeth Parales Dawson.
Q Who was your wife's father and mother? A Her father was Samuel R. Dawson and her mother was the wife of Samuel R. Dawson, did you want her maiden name?
Q Well, if you know the maiden name of your wife's mother, state how you know it? A Well, she was called Margarett, Margarett Queen was her maiden name.
Q The maiden name now of your wife's father's mother? A Why the maiden name of my wife's father's mother?
Q Yes, sir? A Prior to her husband and my father-in-law told me it was Annie Pruett.
Q What was the name of your wife's father's father? A My wife's grandfather on her father's side, Samuel Dawson.
Q And his wife's maiden name was Annie Pruett? A Yes, sir.
Q Did you know the old gentleman, Samuel Dawson, your wife's grandfather? A Yes, sir.
Q Personally? A Yes, sir.
Q What opportunities had you to get acquainted with him? A He lived with his youngest son, my father-in-law, and visited us, my wife and I, after we were married, stayed with us quite a while; I lived near my father-in-law and he visited very often.
Q When did he die? A '74.
Q Have you any particular method of recalling that date? A Well, I was away from the house when he was taken sick, and they sent for my wife and myself, and so when I got home my wife had gone to her father's to see her grandfather, he was sick, and I remember my first wife was a baby at that time.
Q And when was your first child born? A He was born December, 1873.
Q You know how old your wife's father was when he died? A He was up in 60, but I don't remember his age.
Q Did the old original Samuel Dawson ever tell you his age? A Yes, sir, several times.
Q How old was he at the time of his death? A He was past 94.
Q Did he ever tell you whether or not his wife Annie Pruett had any sister or brother? A Told me she only had one brother named Bob Pruett.
Q Have any of the members of this family named their children after him? A Make it a little plain, it is a little long; my wife's eldest brother was a particular favorite of his grandfather, and he always took this boy with him everywhere, and he has named one of his eldest child for his brother-in-law who was a particular favorite of his grandfather; named it for him I understood.
Q Now, what is his name? A Of course I don't know why he named it, but he gave him the name of Robert Pruett, and I was told it was on account of his grandfather thinking so much of Robert Pruett.
Q Did you ever hear the old Samuel Dawson speak of his brother-in-law? A Yes, sir; I have heard him say that he missed he knew what become of Bob Pruett, he never had heard of him for a long

time; didn't know where he was, or whether he was alive or not.
Q Now, I want the children of Samuel Dawson and Annie Pruett, how many of them did you know, first? A How many did I know personally?
Q Yes, sir? A John James, and Samuel R. Those were the only ones of his children that I remember personally.
Q Well, remember what you know of the family, what other children did he have? A Well he had two girls, as I understand the family history, he had two girls, first, and John Dawson was the third child, and the oldest boy was John Dawson.
Q Was John Dawson the oldest boy? A Yes, sir.
Q Which was the oldest girl? What is she known by now? A I think it was Mrs. Petty, nee Bettie Dawson.
Q And John Dawson was the oldest boy? A Yes, sir.
Q And Samuel R. Dawson was the youngest boy? A Yes, sir.
Q You know anything about the time John Dawson was born, have you any way of coming at it, the oldest boy? A Yes, sir, I know what the oldest son and his wife told me.
Q What was that? A They said he was born in 1811.
Q Who was his oldest son? A Toliver H. Dawson; told me his father was born in 1811.
Q Do you remember now whether the old man had occasion to say whether his wife, Annie Pruett was an Indian or white woman, or ever said anything about it? A I know what the old man said what she was, I don't know that I ever heard the question approached in that way, I have heard him speak as to her blood, but it was in a different way that he reached it.
Q What blood did he say she was? A Well he said that she was the daughter of Mrs. Pruett, a white woman; and that her father was Captain John Rogers, a white man who lived with the Cherokee Indians, and traded with them.
Q Did he say who Captain John Rogers afterwards married? A Said he had a wife in the Cherokee Nation.
Q But that Annie Pruett was not her child? A No, sir, she was the child of Mrs. Pruett.
Q A white woman? A Yes, sir, that was the half sister of Bob Pruett.

BY MR. McKENNON:

Applicants object to all of the testimony of this witness, because it is wholly incompetent and irrelevant.

Q Did ever you apply for citizenship here? A Yes, sir; for my wife.
Q When? A My father-in-law made the application, I don't know exactly when it was, I think probably about '86, I couldn't say as to the date.
Q Before the Cherokee authorities? A Yes, sir.
Q Did he file an application before the Dawes Commission in 1896 also? A Hir.
Q Yes, sir? A I don't think he did, no sir.
Q Did you? A I did.
Q On account of your wife? A Yes, sir.
Q Did you make affidavit to that application? A No, sir.
Q Who did? A I don't know, don't remember now.
Q You applied for your wife as an Indian by blood didn't you not? A Yes, sir.
Q Are you still an applicant? A No, sir.
Q Is she? A No, sir.
Q She was denied was she? A Yes, sir.
Q Was there an appeal taken from that? A Application was filed if I remember, before the Dawes Commission, and they rejected the case, and then I appealed it to the District Court, and it was rejected there and then I stopped.

Q Have you ever been arrested for any crime? A Yes, sir.
Q What? A Charge of murder.
Q Anything else? A No, sir.
Q Convicted on the train? A Yes, sir.
Q In a train robbery? A Yes, sir, in a train robbery.
Q How long did you remain in jail? A Appealed the case to the Supreme Court, and it was reversed and sent back, and I was acquitted on that charge.
Q That all the crime you were ever charged with? A Yes, sir.
Q Haven't you been having some trouble with the Dawson family?
A Well me personally I have no trouble with any of them, there is one of my boys and one of W. A. Dawson's sons-in-law had some trouble.
Q You are not friendly with the Dawson family? A That son-in-law Mr. Wooley, and myself, don't speak, and I don't think his wife speaks to me either.
Q Well you are claiming some sort of lease on the Wooley farm, aren't you? A No, sir, I don't claim any lease on the Wooley farm.

B. W. ALBERTY, being first duly sworn, and being examined, testified as follows:
BY MR. HUTCHINGS:
Q State your name? A B. W. Alberty.
Q What is your post-office? A Tahlequah.
Q What is your present official position in the Cherokee Nation?
A Assistant Executive Secretary of the Cherokee Nation.
Q As such have you charge of the citizenship records and books etc. of the Nation? A Yes, sir.
Q Have you made search recently for the original records in the various cases of the Dawson family before citizenship courts in Council? A Yes, sir.
Q Have you got what records you found with you? A I find what's supposed to be the original papers in the case, all that I could find. (Produces papers and hands to Nation's attorney.)
Q Where did you find these papers? A I found them in the desk in which papers of that character are filed away in the Executive Office at Tahlequah. (Applicant's attorneys examine papers produced by witness.)
BY MR. HUTCHINGS: The Nation here introduces in evidence an envelope marked No. 108, the names on the back of it are Robert, Elbert, Jasper, John, Frances, Marion, Josephine, Joseph, Jane, Mollie, Wilburn, James, Rial Dawson, versus the Cherokee Nation; the envelope and its contents.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced by the Cherokee Nation is indorsed as follows:

"No.108, Rob. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilburn Dawson, James Dawson, Real Dawson, vs Cherokee Nation, Petition for Citizenship, filed Sept. 24, 1801. Admitted Jan 11th, 1883, D. W. C. Duncan, Clerk."
In pencil: "Robt Dawson."

The said envelope contains a document as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19th, 1902.

No. 108 Robert Dawson, "et al."
vs.
Cherokee Nation.

Testimony for Claimants.

Witness:

Dr. Baker sworn testified as follows. My name is Arthur Baker I reside at Berrivill, Arkansas, Carroll County, my age is 73 years, I am not a Cherokee, I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County more thirty five years (line drawn through the last three words., 35 years at my mother's house near Calhoun I became acquainted with the claimants Robt Dawsons grandmother on mother's side, she was frequently at my mother's house; though she Anna Pruit lived in the Nation side. She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee; the first time she brought the claimant's mother to my mother's house she the claimant's mother was about grown, when I was a little boy she called her daughter Polly Rogers said Capt. John Rogers who ran a boat up the river was the father of the child; I saw the girl frequently there at my mothers and there at Louis Rosses Store I saw her occasionally until I was 15 or 16 years old and I think then Old Capt John Rogers took her off to school. I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of Old Samuel Dawson. I stayed all night there and we and I had a talk over our old matters, and I asked her when she became acquainted with Dawson and she said at the time she was going to school. And she said after she left school that Dawson followed her home to the Nation and they were there married. I have told that precisely in the words she used.

Capt John Rogers claimed to be one fourth Cherokee, the claimant is the son of Polly Rogers and I know Polly Rogers to be the daughter of Anna Pruet, and I know the claimant to be the son of Polly Dawson Capt Rogers then resided in the Cherokee Country about twelve miles from Calhoun on the Hiamassa River.

Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawsons when I got acquainted with them Arkansas were recognized where they were as Cherokees, Robt Dawsons children is Buck, John, Marion, and two girls; the children named in the petition I recognize as being the claimants.

Question by Solicitor:

Ques. 1 How many children did Polly Rogers have?
Ans. 1 Five, I think that's all.
Ques. 2 Did you any something about someone being married twice?
Ans. 2 The claimant was married twice.
Ques. 3 Could Anna Pruet speak Cherokee?
Ans. 3 Yes she could speak it well
Ques. 4 Did Polly Rogers speak Cherokee?
Ans. 4 She could when she was young.
Ques. 5 How far do you live from Anna Pruet?
Ans. 5 Just across the river about 3/4 of a mile.
Ques. 6 Was Calhoun in the Cherokee Nation?
Ans.6 It was on both sides of the river, part in the Nation and part out in the State.

Ques. 7 Which Harnage was it went to Texas?
Ans. 7 George went first then John went they were the sons of old man Harnage that lived up here near the line.
Ques. 8 Did the claimant go to Texas?
Ans.8 No the clairant didn't go to Texas.
Ques. 9 What connection was clairant and Polly Rogers?
Ans. 9 The clairant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.
Ques. 10 Where does clairant now live?
Ans. 10 He lives in Carroll County, Arkansas.
Ques. 11 Do you know what relation old Captain John Rogers was to Charlotte Rogers here in Cooweescoowee?
Ans. 11 They claimed kin but what kin I dont know there were two Capt. John Rogers' in the Nation I am speaking of the time when I first came to this 1830 Country about the year 1830.
Ques. 12 Was Anna Pruet the maiden name of Claimant's grandmother
Ans. 12 Yes that was her maiden name the Indians called her Sinee.

his
(signed) Arthur. A. x Baker.
mark

Witness' hand paralyzed is the reason he signs by a mark thus "x". "

The above document is indorsed on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case, Robt," Decided by the Tehee Court in 1883. A. Riley Dawsons Step daughter a white woman married a white man, named August Bulaska."

BY MR. HUTCHINGS: We further introduce envelope N. 131, of E. Dawson for his grand-children, versus the Cherokee Nation, and its contents, to-wit: The Petition and affidavit of F. M. Dawson, and the testimony of Joseph Dawson.
(Hands papers referred to to applicant's attorneys.)

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced is endorsed as follows:
"No.131. E. Dawson vs the Cherokee Nation. For his grand children. Petition for citizenship. Filed Sept. 14th, 1883, D. W. C. Duncan, Clerk of Com. Decided Sept.13, to be Cherokees.

The contents of said envelope are as follows:

"Office of Commission on Citizenship.
Tahlequah, Cherokee Nation, Sept. 14, 1883.

E. Dawson,
No.131. vs for his grand children,-
Lulu Dauthett,
Dallas Dauthett,

F. M. Dawson for Claimant introduced sworn and in open Court testified as follows:
My name is F. M. Dawson. Am a Cherokee by blood reside in the Cherokee Nation am 30 (40 written over it) years old.

I saw the Claimants, Lulu Dauthet and Dallas Dauthet in Vinita, and know them to be the grandchildren of my brother E. Dawson who is a recognized Cherokee by blood. L. M. Dauthet, the father of the Claimants, Lulu and Dallas is a white man Dauthet's wife the mother of Lulu and Dallas was a Cherokee, the daughter of my brother E. Dawson, she is now dead. The oldest of these applicants is about 9 years old. I have known them about 8 years. These children is now living with their father. One is a girl and the other is a boy. I had been acquainted with her mother all her life. If she had been now living she would have been about 25 years old -- - She has been dead about 4 years as well as I can recollect, She was about 17 years old when she was married.

his
(signed) F. M. x Dawson,
mark

Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, Sept. 14, 1903.
No.181 E. Dawson
for his grand children
Lulu Dauthett
Dallas Dauthett

Joseph Dawson introduced for Claimants, sworn in open Court testified as follows:

Jos. Dawson, am a Cherokee live in the Cherokee Nation, am 31 years old.

Lulu Dauthett and Dallas Dauthett, the Claimants are Cherokees. Fannie Dawson was their mother. Fannie Dawson was a Cherokee, that is what I was always told. Her father was E. Dawson. E. Dawson was my brother. Mrs. Dauthett is not living now: the last time I saw Lula, and Dallas Dauthett, they were in Texas. But I have heard since that they are in the Cherokee Nation. E. Dawson recognizes them as his grandchildren and I have known them ever since they were born.

By Solicitor:

Lula is about 10 years old. The Dallas is about 5 or 6 years old. I heard that their father is now at Vinita Cherokee Nation, E. Dawson is Elbert Dawson. The applicants' mother has been dead about three or four years. She died at Hillsboro, Texas.

I was not present when their mother and E. Dawson had eight children to the best of my recollection, or 9. Fannie, Francis, Cartenas, Zanie, Bob, Smith, Forsh, Bert, Ella. All living but two, Fannie and Smith. They are all living in Texas when I left there. I am a brother to F. M. Dawson, we are full brothers. My father has been admitted to Cherokee Citizenship by this Court.

his
(signed) Joseph x Dawson,
mark

To the Commission on Citizenship,
Tahlequah, C. N. Sept. 18, 1903.
E. Dawson for grandchildren,
Lulu Dauthett,
Dallas Dauthett,
vs
Cherokee Nation.

Now comes E. Dawson petitioning for the Cherokee rights of his grandchildren, Julu Dauthett & Dallas Dauthett, by virtue of their Cherokee blood, which was derived from the

Dawson family, who is acknowledged Cherokees by admission of your Hon. Court, at its last session in January, 1883, in view of the facts ask your Hon for a spedie and favorable consideration of our calims.

(signed) E. Dawson for grand children,
By C. H. Taylor."

This last document is indorsed on back as follows: "No. 181, Petition of Lula, Dauthett & Dallas Douthitt, for Citizenship Filed Sept 14, 1883, D. W. C. Duncan, Clerk."

BY MR.HUTCHINGS: Now we desire to introduce the judgment in the case of S. R. Dawson, and others, of the Commission on Citizenship, found on page 80, of Record Book B, of the Citizenship cases in the Cherokee Nation, said book having been turned over to and now in the custody of the Commission; the judgment being dated April 26th, 1889.

BY MR. McKENNON: To the introduction of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

Record above introduced is as follows:

"Office of Commission on Citizenship,
Tahlequah, C. N. August 11th, 1887.

Docket No.	Names,	Age	Sex	Post Office,	Attorney
	1 S. R. Dawson,	66		Catoosa,	
	2 Parlee Dawson,	44	female		
307	3 America J. Dawson,	35	"		
	4 Katharine J. Dawson,	33	"		
	5 J. G. Dawson,	31	male		Bell &
	6 Elias F. Dawson,	29	"	Applicant for)	Bryant.
	7 Toliver Dawson,	27	"	Cherokee Nation.	
	8 Ella Dawson,	20	female		
	9 Fanny Dawson,	18	"		
	10 John Riley Dawson,	11	male	R.	
	11 Robert E. Dawson,	9	"		
	12 Claud Dawson,	7		Ancestor	
	12 Cleveland Dawson,	3		John Rogers	

-- filed August 11th, 1887."

In red ink written along Age column is the following: "Rejected April 26, 1889."

"Now this day comes the above case for final hearing, Samuel R. Dawson, bases his application for readmission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the alleged daughter of Captain John Rogers and Chilsey Pruitt, said to be a sister of Joseph Vann, commonly known as Rich Joe, no one of Cherokee blood. It is admitted that John Rogers and Chilsey Pruitt died before the roll upon which their names would appear if living at the time and specified in the 7th section of the Act of December 8th, 1886, creating the Commission on Citizenship, were made but in support of the application it is urged that certain members of the Dawson family and full brothers of the applicant were re-admitted to citizenship by the Commission on Citizenship commonly known as

"Two Tehee Court", and the "Spears Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which determined the decision of those Commissions of the testimony now introduced to authorize the admission of the present applicant is not relivent to the issue now pending. The 7th section of the Act of December 8th, 1886, before named provides, that "The Commission shall give a hearing to any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States," As are hereafter enumerated. Neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon eitherof said rolls the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Jounnah Barber nee Jounnah Dawson and Jane Queen, nee Jane Dawson, and their families, as enumerated in their respective applications.

(signed) Fill P. Ross,
Chairman.

This April 26th, 1889.
(signed) D. L. Williams,
Cl'k Com'n."

(signed) R. Bunch, Commissioner,
John E. Gunter, Com'nr.

BY MR. HUTCHINGS: The Nation now introduces the envelope in the case of James K. P. Dawson, and the contents, being the original testimony in the case of E. Dawson; also the judgment in said case, found on page 116, in book C., containing the records of the Citizenship Commission of the Cherokee Nation, the date of said Judgment being April 26th, 1889; this book being also in the custody of this Commission.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope above introduced is indorsed on back as follows:

"Name, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - Years, - - Roll of 1835, Ancestor, Riley Dawson, filed the 5 day of Oct. 1887, Docket 989, Book C Page 116, Testimony on Journal - - Page - - - Decision of Commission Rejected 26 day of April 1889
Rejected."

The contents of said envelope are as follows:

"A. J. Dawson, et al.,) Office Com. On Citizenship,
(vs) (Tahlequah, I. T. Sept. 27th, 1887.
Cherokee Nation.)

E. Dawson, who bein duly sworn, upon his oath, deposes and says as follows, to wit:

I am a citizen of the Cherokee Nation and reside in Coowescoowee Dist. and am 53 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I have known him personally about three (3) years, He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a realtion of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee river in Tenn. I think he had four (4) children. I never saw any of them but Andrew J. Dawson, and Jim Dawson.

-Cross Ex.-

Joe Dawson has been dead about 35 years he lived west of the Mississippi River, I understand. My father had four brothers. I don't know how long Joe Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of my Uncle Joe Dawson, is from what he himself has told me, - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me- My grandfather being a Dawson and a white man.

Attest

Connell Rogers,
Clk. Com. on Citizenship."

This document is indorsed on back as follows:
"Testimony of E. Dawson in case A. J. Dawson."

The judgment above introduced, and found on page 116 of Book C of the Dockets of Cherokee Citizenship Commission, is as follows:

"James K. P. Dawson,
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., Oct. 5, 1897.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	James K. P. Dawson,-		Male		
2	William A. Dawson,				
3	Richard A. Dawson,				

3c9

C. H. Taylor.

vs.

Applicant for
Cherokee Citizenship,
Census Rolls 1835
Ancestor,
Riley Dawson.

Cherokee Nation. "

In red ink along age column are the words: "Rejected April 30, 1900."

"Adverse to Claimant.
See decision in this case in the case of S. P. [illegible] in Book (B) Page 30.
April 30, 1900.
D. S. Williams,
Clk Com.

Will P. [illegible],
Chairman.
J. E. Carter, Com."

BY MR. HUTCHINGS:

The Nation desires to introduce the original envelope and its contents in the case 196, of Rebecca Dawson, being the application and judgment in the case, also the judgment as copied into the record, Book C, on page 144, the date of said judgment being August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope just introduced is indorsed on the back as follows:

"196, D. Name Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address Emmet, I. T., Age 48 years, 1835, to 1852, Poll of 18-- Ancestor Maton, Filed the 5 day of Oct 1887, Docket 1017 Book C Page 144, Testimony on Journal- Page - - Decision of Commission, Rejected 28 day of August 1889. Submitted by Mr. Rasmus, Aug. 28, 1889." R"

The contents of said envelope are as follows:

"APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship:
Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Consittution, and with an act of the National Council approved December 8th, 1886, creating your Commission, And respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Maton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-43 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds for this application for Cherokee citizenship by blood, and respectfully awaits the time when Applic tion shall be truly heard and tried in accordance with the aforesaid law.

Age, 48 years; Postoffice, Emmet, Chic. Na. family with their relationship attached is as follows:

No. Name. Sex Age Relationship.

[illegible] which application I hereto set my hand on this [illegible] October 1887.

[illegible] Rebecca Dawson,

Petitioner.

Witness."

- - -

[illegible] FOR CITIZENSHIP.
Cherokee Nation, Ind. Ter.
Tahlequah, August 28th, 1889.

Rebecca Dawson [illegible]
V. S.
Cherokee Nation, [illegible] The above case was called and submitted by

Rasmus without evidence the Commission decide that Rebecca Dawson, Age 48 yrs is not a Cherokee by blood and are not entitled to citizenship in the Cherokee Nation Post Office Emmet Texas - - I. T.

(signed) WILL P. ROSS,
Chairman,
J. E. Gunter, Com."

- - - - - - -

The judgment found in Book C, Records of Commission on Citizenship, Cherokee Nation, page 144, is as follows:

"Rebecca Dawson.
OFFICE COMMISSION ON CITIZENSHIP.
Tahlequah, Ind. Ter., Oct. 6th, 1887.

Docket	No	Names	Age	Sex	Post Office	Attorney.
	1	Rebecca Dawson	48	female	Emmett, I. T.	

1017

Boudinot & R.
Applicant for
Cherokee Citizenship.

Census Rolls, 1835,
to 1852.
Ancestor,
Moton.

V. S.
Cherokee Nation.

- - - - - - -

Office Commission Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug. 28th, 1889.

The above case was called and submitted by Attorney Rasmus without evidence. The Commission decide that Rebecca Dawson, aged 48 years is not a Cherokee by blood and not entitled to Citizenship in the Cherokee Nation.

Attest:
E. C. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J. E. Gunter, Com."

BY MR. HUTCHINGS: The Nation next introduces the original envelope and contents in the case 198, of Mary Dawson, the contents being the application for citizenship, and the judgmeny as written up by the Court; also the judgment of the Court as copied in Book C, page 145,- said judgment being rendered August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced is indorsed on back as follows:

"198, 2, Name, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Bowie, Texas, Aged 54, years, 1835 to 1852 Roll of 18— Ancestor, Moton, Filed the — day of 9 18— Docket 1018, Book C Page 148, Testimony on Journal— Page— Decision of Commission Rejected 28th day of August 1889. Submitted by Mr. Rasmus, Aug. 28, 1889."

"APPLICATION FOR CITIZENSHIP".

To the honorable Commission on Citizenship:

Gentlemen:- The undersigned, your petitioner, this ... makes Application for re-admission to citizenship in the Cherokee Nation in accordance with the Constitution, and with an Act of the National Council, approved December 8th, 1886, creating your Commission, And respectfully makes the following statement of the grounds of this her application, to-wit:

That Mary Dawson is the Grand Daughter of one Moton who the undersigned firmly believe was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1875,-48 - 51 - 52,

The undersigned hereby presents the above facts as the lawful grounds of this her application for Cherokee Citizenship by blood, and respectfully avers the time when her Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 54, years; Post Office, Bowie, Texas, family with their relationship attached is as follows:

No.	Name	Sex	Age	Relationship.
1	Walter Dawson	M	16	Son.

In witness of which application I hereunto set my hand on this the 4 day of October 1887.

Mary Dawson, .

Rondinot & Ramus,
Attorneys."

- - - - - - - -

COMMISSION CITIZENSHIP,
Cherokee Nation, Ind. Ter.,
Tahlequah, August 20th, 1888.

Mary Dawson,)
vs (Application for Cherokee
The Cherokee Nation) Citizenship.

The above entitled case having been submitted by F. F. Ramus, Attorney for claimant, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 16 yrs, are not of Cherokee blood, P. O. Bowie, Texas.

Wm. P. Ross,
Chairman,
J. E. Carter, Com."

- - - - - - - -

Said envelope contains the following:

APPLICATION FOR CITIZENSHIP

TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen:- The undersigned, your petitioner, this day makes this his application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an act of the National Council, approved December 8th, 1886, creating your Commission. And, respectfully makes the following statement of the grounds of this application, to-wit: That Jason [illegible] P. Dawson is the son of one William Dawson who was duly enrolled upon the - - - Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1875, the several years there to the following facts are submitted [illegible]

in accordance with the aforesaid law.
Age - - years; Post-office - - -; family with their relationship attached is as follows:

Names,	Sex	Age	Relationship.
William A. Dawson	Male		Son.
Richard A. Dawson,	"		"

In witness of which application I hereto set my hand on this the 4th day of Oct 1887.

(signed) James K. P. Dawson,

C. H. Taylor, Attorney."

- - - - - -

The judgment as recorded in Book C, page 145, of the records of the Cherokee Commission on Citizenship, is as follows:

"Mary Dawson,

Office of Commission Citizenship.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	Mary Dawson,	54	female	Bowie, Texas.	
2	Walter Dawson,	18	male		

Boudinot & R.
Applicant for
Cherokee Citizenship.

Census Rolls 1835 to 1853
Ancestor
- - - - - -

vs.
Cherokee Nation.

- - - - - -

Office Commission on Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug 20th, 1889.

The above case having been submitted by W. P. Ramsey, attorney for claimant, without evidence, the Commission decide that Mary Dawson aged 54 years, and her son Walter Dawson aged 18 years are not of Cherokee blood. Post office Bowie Texas.
Attest:

D. C. Foss,
Clerk Commission.

Will P. Ross,
Chairman.
J. T. Gunter, Com."

- - - -

BY MR. HUTCHINGS: The Nation further introduces the original envelope in the case of Andrew J. Dawson, which said envelope contains his original application; also the judgment in that case recorded on page 32, of Book A, of the records of the Citizenship Commission of the Cherokee Nation, which said records are now in the custody of the Commission; the judgment is dated April 26th, 1889.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced above, is endorsed as follows:

"Name, Andrew J. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Nevada, Mo. Age 44 years, - - 1835, Roll of 1835, Ancestor, - - Filed the 11 day of February 1887, Docket 37 Book A, Page 38 Testimony on Journal - - Page, Decision of Commission, REjected, 26 day of April, 1889. Rejected."

The contents of said envelope are as follows:

"To the Commission on Citizenship.

Tahlequah, I. T.,
January 27, 1887.

	Age		
Andrew J. Dawson,	44	years	Male
E. E. Dawson,	16	"	"
Olive M. Dawson,	14	"	female
William H. Dawson,	11	"	male
Jessy K. Dawson,	9	"	"
Glennie D. Dawson,	8	"	female.

V.S.
Cherokee Nation.

Know comes Andrew J. Dawson, and five children claiming his right to Cherokee Citizenship by virtue of his Cherokee blood, he being a cousin of E. Dawson ad others of the same name admitted to Citizenship by the Tom Tehx Court on Citizenship, which is a matter of record, we submit that as proof of the Justness of his claim, his ancestors will be found on the roll of 1835.

Respectfully,

Post-office, (signed) A. J. Dawson &
Nevada, Mo. five children,
by C. K. Taylor,
Attorney."

" " " "

The judgment just introduced above is found on page 38 of Book A, Records of Cherokee Commission on Citizenship, in the following:

"Andrew J. Dawson,
Office Commission Citizenship,
Tahlequah, C. N., Feby 11, I. T.

Docket No	Family	Name	Age	Sex
	1	Andrew J. Dawson,	44	Male Nevada, Mo.
	2	E. E. Dawson,	16	"
37	3	Olive M. Dawson,	14	Female
	4	William H. Dawson,	11	Male A. J. Dawson's Ch
	5	Jessie K. Dawson,	9	" Cherokee Citizenship,
	6	Glennie D. Dawson,	8	Female C. N. Rolls 1835.

Rejected April 26, 1889, (red ink.)

V.S.
Cherokee Nation.

Ancestors,

Filed Feby 11, 1897.

Adverse.

See decision in this case in Chat of L. R. Dawson, Book P.20.
rendered April 26- 1898.
D. S. Williams,
Clk Com."

- - -

BY MR. HUTCHINGS: We next desire to introduce the records in the case of this same Andrew J. Dawson, before the Commission to the Five Civilized Tribes, filed September 7th, 1896, and the judgment of the Commission thereon. Number of said case being 4,694. And the judgment of said case on Page 394, Book B., Dawes Commission Record, 1896. Judgment was rendered November 17th, 1896, denying the application.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The records just introduced, being those filed before Dawes Commission, 1896, in Andrew J. Dawson, et al., are as follows:

Registry Receipt,
Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind Ter., Registered Letter, No. 409, Rec'd, of A. J. Dawson, addressed to S. H. Mayes, Tahlequah, I. T., (signed) D. A. Frayser, L.-P. M.

- - -

"Commission to the Five Civilized Tribes,
Vinita, Ind. Ter., Sept. 7, 1896.

See that you swear to your petition.

Evidence of service of copies of Chief or Governor may be secured as follows: If convenient get his receipt to file with your papers. If you cannot do this, register to him, and have some interested person to make affidavit in form about as follows:

I, S. M. Davidson, do solemnly swear that on the 7th of September, 1896, I saw a package registered at the Post office at Vinita, Indian Territory, addressed to Hon. S. H. Mayes, Chief of the Cherokee Nation, Tahlequah, Ind. Ter., the registry receipt no.409, received from postmaster, herewith attached, is a receipt for said package, which contained two copies of the application of Andrew J. Dawson, and of the affidavits of E. Dawson and S. M. Dawson in support of same.

(signed) S. M. Davidson.

Subscribed and sworn to before me, on this 7th day of September, 1896.
(seal) (signed) W. H. Kornegay,

Notary Public, First Judicial Division, of the Indian Territory.

Attach receipt to this affidavit and send with papers to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, as we understand that packages are not promptly receipted for by the Chiefs and Governors.

xxx _____
For the Commission."

\- - -

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:-

The undersigned, your petitioner, Andrew J. Dawson. ~~William H. T. Dawson Jesse K. D.~~. (Line in ink drawn through these names) for and on behalf of Bonnie E. P. Dawson, Olive Maud Dawson, William H. T. Dawson, Jesse K. Dawson, Glen Dale Dawson, James K. P. Dawson, William A. Dawson, Maggie E. Dawson, Richard A. Dawson and Mary E. Dawson and heirs, this day make their application to you for the purpose being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the funds and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokee Indians by blood, deriving the same from Captain John Rogers, Polly Rogers, Daughter of Captain John Rogers, married Samuel Dawson, whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the years 1817, 1818, 1819 and 1835 & 1838 the same to be submitted to your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his proof in support of said claim, and respectfully awaits the time when his application shall be heard and tried.

Respectfully submitted,
Andrew J. Dawson,

Enrollment of family, with relationship as shown, as follows:

Names.	Ages.	Relationship.
Bonnie E. P. Dawson,	25	Daughter,
Olive Maud Dawson,	23	daughter
William H. T. Dawson,	20	son,
Jesse K. Dawson,	18	son.
Glen Dale Dawson,	16	daughter.
James K. P. Dawson,	7	brother.
William A. Dawson,	13	Nephew.
Maggie E. Dawson,	3	Neice.
Richard A. Dawson,	12	Nephew.
Mary E. Dawson,	7	Neice.

IN WITNESS WHEREOF, I hereunto set my hand this Thirtieth day of September 1896.

(signed) Andrew J. Dawson."

Jurat on back as follows:

United States of America,
Indian Territory,
Northern District.

Andrew J. Dawson, of lawful age, being duly sworn states that he knows the facts set forth in the above and foregoing application and that the same are true as he verily believes.

(signed) Andrew J. Dawson,

Subscribed and sworn to before me on this the 3rd day of September 1896.

(signed) J. A. Tillotson,
Notary Public.

(Seal)
My Commission expires June 8" 1899.

- - - - - - -

Indian Territory,)
Northern Judicial Dis- (SS.
trict

Andrew J. Dawson, of lawful age, being by me first duly sworn on oath says that he is 52 years old that his post office address is Afton, I. T. Affidavit further says that he is a citizen of the Cherokee Nation and a Cherokee Indian by blood deriving his Indian blood from Polly Rogers daughter of Captain John Rogers, that Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Hiawathia river while emigrating to the west.

Affidavit further says that Samuel Dawson and Polly Rogers are his Grandfather and Grandmother and that Captain John Rogers was recognized by the National Council of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation of 1852 as follows: An act of the Council of 1842 page 60, an act of Nov. 17" 1843, page 96. also an act of Nov. 16 1849 page 304.

Affidavit further says that he is a blood relation of E. Dawson, F. M. Dawson, Joseph Dawson, and John Dawson who were admitted to citizenship by the Cherokee Nation and whose names appear upon the authenticated rolls of 1893.

(signed) Andrew J. Dawson.

Subscribed and sworn to before me this 3" day of September A. D. 1896.

(signed) J. A. Tillotson,
Notary Public.

(Seal)
My Commission expires June 8" 1899."

"Indian Territory,)
Judicial Dist.) S.S.
)

F. M. Dawson, of lawful age, being by me first duly sworn on oath says that he is 54 years old; that his post office address is Afton, Indian Territory, Affidavit further says I have known Andrew J. Dawson for the past 10 years I have known him and recognized him as a Cherokee Indian and a cousin of mine, he claims to have originated from the family of Joe Dawson and he was a brother of Robert Dawson my father, and he being an offspring of Sam Dawson, who married Polly Rogers, daughter of Captain John Rogers, who was a recognized Cherokee Indian.

his
(signed) F. M. x Dawson
mark

Subscribed and sworn to before me this the 4th day of Sept 1896."

(signed) Frank L. Sharp
Notary Public. (Seal)"

\- - - - - - -

"Ind Ter
Northern Dist
This affidavit made this 4th day of Sept 1896 by E. Dawson of this Dist in the Cherokee Nation I have known A. J. Dawson 10 years and have known him and recognized him as a Cherokee Ind and a cousin of mine, he claims to originate from the family of Joe Dawson and he was a brother of Robert Dawson and being an ofspring of Sam Dawson who was (line in ink drawn through word was)married Pollie Rogers a daughter of Captain John Rogers who was a recognized Cherokee Indian.

(signed) E. Dawson.

Subscribed and sworn to before me this 4th day of Sept 1896.

(signed) J. Barricklaw,
Notary Public,

My commission expires June 8, 1899.
(Seal)"

Indorsed on back: "No. 1509, A. J. Dawson vs Cherokee Nation Filed Sept 7-1896 A. S. McKennon, Com'r."

\- - - - - - -

Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabaniss, A. H. Montgomery, Commissioners.
In the matter of the application of
Andrew J. Dawson, Nation's No.....
Commission's No.....
for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy.

2nd. That the application does not state facts sufficient if true, to show that the applicant . . . entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that John Rogers through whom the petitioner claims to derive right to citizenship in the Cherokee Nation, is not now, - . . and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory, as at present located and defined; that his name does not appear on any of the authenticated rolls of said nation; that neither nor any of his ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof,

See case Nation's No. 1573.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Mayes, Principal Chief Cherokee Nation.

B. Hutchings, Hastings & Boudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answers are true, to the best of his knowledge and belief.

(signed) John L. Adair,

Subscribed and sworn to before me this the 5 day of Oct 1896.

(signed) D. J. Ball,
Notary Public.

(Seal)"

Indorsed as follows: "Nation's No. 4679.
Commission's No. 4694, In re application of Andrew J. Dawson, DEMURRER AND ANSWER. Filed Oct 21 H. M. Jacoway, Sec."

The foregoing documents, comprising the 1896 papers as above set forth, are inclosed in envelope indorsed:

"No. 4694, Petition of Andrew J. Dawson, and heirs, Cherokee, 9-7-96. Rejected."

Which envelope is inclosed in jacket, marked "No.4694."

\- - - - - - -

BY MR. HUTCHINGS: Now we desire to introduce the records in the case of Joanna Barber, et als., No. 1864, the United States Court number being 90, and the Nation desires to call especial attention to the testimony of T. C. Rogers and Sarah Carter as set forth in this case.

BY MR. McKENNON: To all of which applicants object, because it is wholly irrelevant, immaterial and incompetent.

Records in said case are as follows:

blood is shown by proof here-
with filed.

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners authorized by an act of Congress of June 4, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:- The undersigned, your petitioner, Joanna Barber, for and on behalf of herself and heirs, this day make their application to you for the purpose of being placed on the revised roll of Cherokee Indians and of those entitled to

share in the distribution of funds and allotments of land in Cherokee Nation, by virtue of their Cherokee blood, and I herewith submit the affidavits of E. Dawson, S. E. Dawson, W. A. Dawson & F. H. Dawson in support of said claim, and respectfully await the time when our application shall be heard and tried.

Respectfully submitted,
(signed) Joanah Barber.

Enrollment of family, with relationship attached, as follows:

Names		Age	Relationship.
Joanah Barber,		60	Daughter of Elizabeth or Betsy
Isaac J. "	Husbd	65	Petty, ne Dawson, who was a
Otis E. "		26	daughter of Polly Dawson, nee
Wm. R. "		24	Rogers who was a daughter of
James E. "		18	Capt Jno Rogers and Ailey Rogers
Johny "		6	nee Vann a Cherokee Indian by
Joel A. Barber		39	blood as is shown by proof here-
			with filed.

In witness of which I hereto set my hand on this 1 day of August 1896.

(Signed) Joanah Barber."

Indorsed as follows: "Fd 2.50 No.... Petition of Joanah Barber for and on behalf of herself and heirs."

TO THE HONORABLE HENRY L. DAWES AND OTHERS COMPOSING THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitioner, Joanah Barber, would state and show from the proof submitted to the Commission that he is a Cherokee by descent and by blood having been born in Carroll County, State of Ark. on the 5 day of Dec 1830. My fathers name was John Petty. My mothers name was Elizabeth Petty, nee Dawson. That I now reside in the Cherokee Nation, and have resided there for 10 years. And she avers those facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe. And she further avers that these facts being proved she is entitled to be adjudged under the laws of such Nation and the laws of the Congress of the United States and the treaties of such Nation with the United States, a citizen of such Nation, with all the rights, privileges and protection of citizenship in such Nation. Wherefore she herewith respectfully submit to the consideration of the Honorable Commission such proof and on the hearing she be adjudged entitled to such citizenship, and her name be placed upon the proper roll as a citizen of such Nation.

(signed) Joanah Barber.

INDIAN TERRITORY,)
(SS
FIRST JUDICIAL DIVIS)

On this [illegible] day of Aug, 1896, before me T. L. Watts a Notary Public in and for said Territory, Joanah Barber, who being duly sworn, states that the facts set forth in the above petition are correct and true.

Subscribed and sworn to before me this 6 day of August 1896.

(signed) W. J. Watts,
(Seal)" Notary Public.

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"(COPY)
In the matter of the claim of Joanah Barber nee Joanah Petty to Cherokee Indian Citizenship in the Cherokee Nation, Indian Territory.
Affidavit of S. R. Dawson.

Delaware District,)
Cherokee Nation,)
Firt Judicial Division,)
U.S. Court, Indian Territory. (SS
)
)
)

S. R. Dawson, to me well known to be reliable and respectable, after being duly sworn according to law states on oath, that he is a bona-fide citizen of the Cherokee Nation by blood- that he is a resident of said Nation- that his post-office address is Afton, I. T.; that he is fifty-one years of age- that he is well acquainted with the claimant Joanah Barber and has as long as he has known any person- that she is of Cherokee Indian descent- that her maiden name was Joanah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of Polly Rogers, a person of Cherokee Indian descent, who intermarried with Samuel Dawson, a white man- that he said Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann both well known Cherokee Indians.

Affiant is not directly nor indirectly interested in the result of this application.

(Impress of National Seal) (signed) S. R. Dawson.

Subscribed & Sworn to before Jany 6 1898
(signed) [illegible],
Notary Public."

"United States of America,
Indian Territory, (ss
First Judicial Division.

I, William T. Rogers, a [illegible] and for the Judicial Division aforesaid, do hereby certify that the next above in the within one page of [illegible] is a true and literal copy of the original [illegible] at Tahlequah, Ind. Terry, this the third [illegible] July A.D. 1897.

(signed) William T. Rogers,
Notary Public, First Judicial Division, Ind. Territory.
(Seal) My Commission expires Feby 3, 1899."

(A copy)

In the matter of the claim of Joanah Barber (nee Joanah Petty),

to Cherokee Indian Citizenship in the Cherokee Nation, Ind Ter.

Affidavit of E. Dawson.

Coowescoowee District,)
Cherokee Nation,)
First Judicial Division, (ss
U. S. Court, Ind. Ter.)

E. Dawson, to me well known to be reliable and responsible after being duly sworn according to law states on oath that he is a Bonified citizen of the Cherokee Nation by blood- that he is a resident in said Nation that his post office address is Tahlela, Ind Ter.-that he is 38 years of age- that he is well acquainted with the claimant Joanah Barber and has been as long as he can known any person- that she is a person of Cherokee Indian descent the her maiden name was Joanah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of one Polly Rogers a person of Cherokee descent, who intermarried with Samuel Dawson, a white man, that the said Polly Rogers was the daughter of Captain John Rogers a well known Cherokee Indian.

Affiant is not directly nor indirectly interested in the result of this application.

(signed) E. Dawson.

Subscribed and sworn to before me this the 24th day of Febry 1893

(signed) A. E. Williams,
Notary Public.

(Impress of
National Seal
here.)
Com. Expr. Sept. 26/96.

United States of America,
Indian Territory, S S
First Judicial Division.

I, William F. Rasmus, a Notary Public within and for the First Judicial Division, Indian Territory, do hereby certify that the next above and the within one page of an affidavit is a true and literal copy of the original presented to me at Tahlequah, Ind Ter. this the third day of July A.D.1897.

(signed) Wm. F. Rasmus.

(Seal) Notary Public, first Judicial Division, Indian Territory, My Commission expires Febry 7, 1897.)

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United States of America,
Western District of Arkansas. ss.

In the case of one Joanah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William F. Rasmus, a Commissioner U. S. Court within and for the District aforesaid duly authorized to administer oaths W. A. Dawson, to me personally well known to be reputable and entitled to credit, and who being by me first duly sworn according to law, deposes and

and says: My name is W. A. D[illegible], my age is 62; my post-office address Tulsa, Ind. Ter'y. I am a farmer by occupation, I am a citizen of the Cherokee Nation, I.T. by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: That he is personally well acquainted with the claimant, Joanah Barber whose mother's name was Elizabeth (commonly called Betty) Pet y, Dec'd nee Elizabeth Dawson, - a Cherokee Indian by blood, and she was the sister of his father; Jo es Dawson, Dec'd, a recognized and acknowledged Cherokee Indian by blood- and that she was sister of Robert Dawson Dec'd a recognized and acknowledged Cherokee Indian by blood- said Robert Dawson having been full brother to said Jo es Dawson- that therefore the said claimant, Joanah Barber is his (affiant's) first cousin by Cherokee Indian blood and that he so recognizes and acknowledges her.

(signed) F. A. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Ter'y this third day of December A.D.1894.

(signed) W. J. Ragsdale,
(seal) United States Commissioner."

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"UNITED STATES OF AMERICA.)
Western District of Arkansas.)ss

In the matter of Joanah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian Advocate at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William J. Ragsdale, a Commissioner of the U. S. Dist. Court within and for the District aforesaid duly authorized to administer oaths Francis F. Dawson, to me personally well known to be reputable and entitled to - - a credit - - duly sworn according to law deposes and says: My name is Francis F. Dawson my age is over 57 years, my post-office address is Afton, Ind. Ter'y, I am a farmer by occupation, I am a citizen of the Cherokee Nation, by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: I am personally well acquainted with the claimant Joanah Barber, whose mother's name was Elizabeth (commonly called "Betty") Pet y, nee Elizabeth Dawson, a full blood Indian by blood, said Elizabeth Pet y was a full sister of my father Robert Dawson Dec'd, a Cherokee Indian by blood- and I acknowledge the relationship by Cherokee Indian blood of Joanah Barber to me as first cousin- and I know that the said Joanah Barber therefore is of Cherokee Indian blood.

(signed) F. A. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Ter'y this 17th day of November A.D.1893.

(seal) (signed) W. J. Ragsdale,
United States Commissioner.

Indorsed on back as follows: "No. 1 Filed Feb 24 1894, Jno. A. Wheaton, Clerk."

"Page 30, Docket "B"
Joannah Barber.
Office Commission on Citizenship,
Tahlequah, C. N. August, 1887.

Docket. No.	Names	Age.	Sex.	Post Office,	Atty.
1	Joannah Barber	51	female	Vinita, I. T.	
2	Ailey J. Barber	34	female		
3	Irena Barber	24	female		
4	Erma Barber	22	female		
5	Atta Barber	20	female		
6	Mary Barber	17	female	applicant for	
7	Onice Barber	17	female	Cherokee Citizenship	
8	Joel Barber	31	male	Polls 1835	
9	Calaway Barber	27	male		
10	Toliver Barber	20	male	Ancestor	
11	Riley Barber	15	male		
12	Edgar Barber	9	male		
	V.S.			John Rogers &	
	Filed Aug.12, 1887.			Alcy Pruett	

See decision this case in that of L. R. Dawson, adverse to claimant in this Book page 20.
This April 26th, 1889.
D. S. Williams, Clerk com.
Will. P. Ross, Chairman,
J. E. Gunter, Com."

"S. R. Dawson.
Office Commission on Citizenship,
Tahlequah, C. N. Aug. 11th, 1887.

Docket. No.	Names.	Age.	Sex.	Post Office	Atty.
1	S. R. Dawson,	60		Catoosa, I. T.	
2	Parlee Dawson,	44	female		
3	America J.Dawson,	35	female		
4	Katherine J. "	35	female		
5	J. G. Dawson,	31	male		
6	Elias F. Dawson,	29	male		
7	Toliver Dawson,	27	male	Applicant for	
8	Erma Dawson,	20	female	Cherokee	
9	Tabby Dawson,	18	female	Nation	
10	John Riley Dawson	all	male		
11	Robt. L. Dawson,	9	male	R	
12	Clara Dawson,	7	female		
13	Cleveland Dawson	3		Ancestor	
	Filed Aug. 11, 1887.			John Powers	
	Rejected April 26, 1889.				

Now this day comes the above case for final hearing, Samuel R. Dawson bases his application for re-admission to Citizenship in the Cherokee Nation upon the ground that he is the lawful son of Samuel Dawson, a white man, Polly Rogers, the [illegible] daughter of Captain John Rogers, and Ailey Pruett said to be the daughter of Joe Vann, and one [illegible] who was of Cherokee blood. It is admitted that John [illegible]

Chilsey Pruett died before the roll was made, but their names would appear if living at the time, and specifically in the 7th Section of the Act of December 6th, 1886, creating the Commission on Citizenship were made, but in support of the application it is urged that certain members of the Dawson family the full brothers of the applicant were admitted to citizenship by the Commission on Citizenship commonly known as the"Tehee Court" and"Spears Court" and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the consideration which determined the decision of those Commissions or the testimony now introduced to authorize the admission of the present applicant is not relevant in the issue now pending. The 7th Section of the Act of December 6th, 1886, before named provides that the Commission hearing to any person applying for citizenship in the Cherokee Nation upon the grounds of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census roll of Cherokees taken by the United States, hereinafter mentioned, neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls, the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission of citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the case of Andrew J. Dawson, James M. P. Dawson, Joannah Barber, nee Joannah Dawson, and Jane Queen, nee Jane Dawson and their families as enumerated in their respective applications.

Will. P. Ross, Chairman,
T. Bench, Commissioner,
John E. Hunter, Commissioner.

This April 26th, 1889,
D. S. Williams, Clerk Com."

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United States of America,)
Indian Territory, (ss.
Northern District.)

W. C. Rogers being duly sworn on oath deposes and says: that he is a citizen and resident of the Cherokee Nation, Indian Territory. That his post-office address is Skiatook, Ind. Ter. that he was born and raised in the above Nation and Territory; that he is 46 years of age;

Affiant further states that he is slightly acquainted with Irene J. House, an applicant for admission to citizenship in the Cherokee Nation as shown by copy of her application.

Affiant further states that his father's name was Will Rogers- that he was a son of Captain John Rogers of said Cherokee Nation that this affiant ever heard of; that said Capt. John Rogers was the only man of that name that ever lived in the Cherokee Nation that this affiant ever heard of; that said Capt. John Rogers this affiants grandfather lived at Creek Saline, I. T. and died in Washington, D. C.

This affiant states that his father Charlie Rogers had five brothers viz. Cynthia Rogers, Lewis Rogers, George Rogers, Nelson Rogers, Emmet Rogers and Randolph Rogers; that he (this affiant) is well and personally acquainted with the above said parties- except Emmet and Randolph Rogers, who were killed when this affiant was quite young.

This affiant states that he was 34 years of age, when his father, Charlie Rogers died, that his father never had any other family (line in ink drawn through word) children or sisters than the ones above mentioned; that the said Polly Rogers named in the application for citizenship of Irene J. House, was not a member of his fathers; that his father never had but one sister viz. Cynthia Rogers the this affiant ever heard of; that this affiant was well acquainted with his aunt Cynthia Crump-"

Just here the following is inserted on separate paper:

"EXECUTIVE DEPARTMENT OF
CHEROKEE NATION. I, John L. Adair, Executive Secretary of the Cherokee Nation, do hereby certify that I have compared the foregoing with the original record in this Department, and that the same is correct copies and transcripts therefrom.

In witness whereof I have hereunto set my hand and affixed the Great Seal of said Cherokee Nation, at Tahlequah, this, the 5th day of Feb. 1896.

(Seal) (signed) John L. Adair,
Executive Secretary."

Then the above affidavit continues:

"(nec) Rogers that she liv d with this affiant's father for a number of years prior to here death.

Affiant states that he has often talked with his father, Charlie Rogers and his aunt Cynthia Crump (nee Rogers) about his relatives; that they never spoke of any other sister in their family; that this affiant was about 20 years of age when his aunt, Cynthia Crump died; that they told him there never was (words "never was" marked over with ink) father never had any other daughter or daughter other than Cynthia Rogers

Affiant states that his father told him a number of times, that this affiants grandfather Capt John Rogers never had any other family other than the one above mentioned; that this affiant never heard his father Charlie Rogers or any of his relatives speak of his grandfather Capt John Rogers owning, or running a boat up any river.

Affiant states his father Charlie Rogers was born on big Mulberry, South-east of Van Buren, Arkansas, in the year of 1817.

Further affiant saith not.

. Rogers.

Subscribed and sworn to before me on this the first day of October, 1896.

(signed) Will in . Hall,
Notary Public,
(seal) My Commission expires January 16th, 1900."

"United States of America,
Indian Territory,
Northern District. } ss

I, Sarah Carter being first duly sworn on oath states: that she is a citizen and resident of the Cherokee Nation, Ind. Ter. and at present of Ione Arkansas, I. T., that she is 65 years of age.

Affiant states that she is the daughter of Charlie Rogers that her grand father on her father's side was Capt John Rogers. Affiant further states that W. C. Rogers is a brother, and that she has read the foregoing affidavit of W. C. Rogers, and knows the contents thereof; that the facts therein set forth are true as she verily believes.

(signed) Sarah Carter.

Subscribed and sworn to before me this the first day of October, 1896.

William H. Hall,
Notary Public.

My Commission expires January 16th 1900.
(seal)

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Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. ~~(illegible)~~ A. P. Montgomery, Commissioners.

In the matter of the application of Nation's No.1575
Joanna Barber Commissioner's No...
et al-
for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs to said application, and for the grounds thereof says:

1st. That the Commission has not jurisdiction over the parties or subject matter of this controversy, and not legal right, therefor, to hear and determine the same.

2nd. That the application does not state facts sufficient, if true, to show that the applicants are entitled to citizenship.

Respondent not waiving the aforesaid demurrer, but insisting upon the same for answer to said application, says that John Rogers through whom the petitioners claim to derive their right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory as at present located and defined: that his name does not appear upon any of the authenticated rolls of said Nation: that neither they nor any of their ancestors have ever resided in the Cherokee Nation or Indian Territory, as citizens thereof.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Mayes, Principal Chief Cherokee Nation.

~~Mansfield~~, Hastings & Benedict, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, being first duly sworn, states that the facts contained in the foregoing answer are true, to the best of his knowledge and belief.

(signed) John L. Adair,

Subscribed and sworn to before me this ~~(illegible)~~ Gov. Dept.
(seal)

(signed) D. J. Bell,
Notary Public.

Indorsed on back as follows: " 1864 90 Docket No. 1577, Commission's No..... In the application of No 2 Joanah Barber Demurrer and Answer Filed Mar 13 1897 Jos. A. Winston, Clerk/ Filed Oct 7 1898 W. H. Jacoway, Secy."

"BRIEF.

BEFORE THE HONORABLE COMMISSION OF THE UNITED STATES OF INDIAN,

duly appointed and empowered to Act, under and by virtue of the Act of Congress of June 4" 1898, to hear and determine all claims for citizenship of the Five Civilized Tribes of Indians, to-wit:
Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians.

In the matter of the application for citizenship in the Cherokee Nation, of Joanna Barber and her children, to-wit:

Cora B. Barber, William P. Barber, James P. Barber, Johnnie Barber and Joel A. Barber.

In the matter of the application for citizenship in the Cherokee Nation of Joel A. Barber and his children, to-wit: Mattie Barber, Oliver Barber, George A. Barber, Francis C. Barber, Jesse Barber and Ethel Barber.

In the matter of the application for Citizenship in the Cherokee Nation of Mary A. Barber and her child, to-wit: Inez Barber.

In the matter of the application for citizenship in the Cherokee Nation of Edna L. Murphy and her child, to-wit: Claude M. Murphy.

In the matter of the application for Citizenship in the Cherokee Nation of Edna Moore and her children, to-wit: Anna J. Moore, Jackson B. Moore, Rhenby Moore and Gladys Moore.

In the matter of the application for Citizenship in the Cherokee Nation of Attie L. Hunt and her child, to-wit: Permelia Hunt.

In the matter of the application for citizenship in the Cherokee Nation of Aloey J. Smart and her children, to-wit: Georgia A. Smart and Emzy M. Smart.

In the matter of the application for Citizenship in the Cherokee Nation of Joannah J. Carlinghouse and her children, to-wit: Myrtle O. Carlinghouse, Cora L. Carlinghouse and [illegible] A. Carlinghouse.

In order that the Honorable Commission may clearly and fully understand the proof and merits of the Claim of the aforesaid Claimants, we deem it necessary to present to the Honorable Commission, the Genealogy of each of said children, to-wit:

Joanna Barber, whose maiden name was Joanna Petty, is a daughter of Elizabeth Petty, nee Dawson and a [illegible] of Polly Dawson, nee Rogers and [illegible] Petty, a [illegible] Joanna Barber, who was a Cherokee Indian by blood and died [illegible] Nation in 1851.

Joel A. Barber is a son of Joanna Barber, nee Petty and grand son of Elizabeth Petty, nee Dawson and a great grand son of Polly Dawson nee Rogers and a great great grand son of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted. Mary A. Borer, whose maiden name was Mary A. Barber, is a daughter of Joanna Barber and grand daughter of Elizabeth Petty, nee Dawson and great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Emma Murphy, whose maiden name was Emma Barber, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabethe Petty, nee Dawson and a great great grand daughter of Polly Dawson nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Erma Moore, whose maiden name was Erma Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof.

Attie L. Hunt, whose maiden name was Attie L. Barber, isa daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blodd, as shown by the submitted proof.

Alcey J. Start, whose maiden name was Alcey J. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson, and a great grand daughter of Polly Dawson, nee Rogers, and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joanna J. Garlinghouse, whose maiden name was Joanna J. Start, is a daughter of Alcey J. Start, ne Barber, and a grand daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, ne Rogers, and a great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Therefore, the Claimants pray the honorable Commission, that after a careful examination of their application and impartial investigation of the proof herein submitted, you will adjudge each of said Claimants, together with their aforementioned Children, entitled to citizenship in the Cherokee Nation, and that you place the name of each Claimant, together with the names of their aforementioned Children, upon the Cherokee roll, and that you give to them all the rights, privileges and immunities of citizens of the said Cherokee Nation.

(signed) Hubbard, Carmichael & Watts,
Council for Petitioners."

Indorsed on back as follows: "No 3 Filed Feb 24 1897, Jas. A. Winston, Clerk."

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Commissioners,
Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss, Alexander B. Montgomery--H. M. Jacoway, Secretary.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,
Vinita, Indian Territory, Oct 8 , 1896.
Joanna Barber, Filed Sept. 8, Answer Filed,
vs. Application denied.
Cherokee Nation.

I, H. M. Jacoway, Jr., Secretary, do hereby certify that the above and foregoing is a true and correct copy of Cherokee Record A. page 297 of the Commission to the Five Civilized Tribes.

Given under my hand and official signature this the 13 day of Feb. 1897.

H. M. Jacoway, Jr.,
Secretary."

Indorsed as follows: "1864 No. 4 Filed Feb 24 1897 Jas. A. Winston, Clerk."

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"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Joanna Barber et al,
vs.
Cherokee Nation. No.1864.

AFFIDAVIT FOR APPEAL.

Now come the said Joanna Barber et al applicants for citizenship in this case by W. B. Watts, one of their attorneys, and pray an appeal from the decision of the Honorable Commission to the United States District Court as provided by the Act of Congress approved June the 10th, 1896.

And the said W. B. Watts, being duly sworn and acting on behalf of said applicants makes oath that the appeal prayed for in this case is not asked for the purpose of delay but that justice may be done the applicants.

(signed) W. B. Watts,

Sworn and subscribed to before me this 22nd day of December 1896. (signed) J. C. Lindsey,
(SEAL) Notary Public.
My Commission expires March 20th 1897."

Indorsed: "Court 1896."

"Received of T. B. Broomey, Jr., Secretary of the Commission to the Five Civilized Tribes, the original papers, in the case of - - - - vs - - - - Nation, as follows:

/ / / / / / /

"Witness my hand and official seal at Muskogee this the 5th day of Feby 1897.
(SEAL)

(signed) J. Q. Winston, Clk."

Indorsed: "Court # 90 No.1864. receipt for original papers in the case of Joanna Barber et al vs. Cherokee Nation. Received and filed this . . . day of . . . 189. . . Secretary."

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"IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY, NORTHERN JUDICIAL DIVISION, AT MUSKOGEE, IND. TER.

Joanna Barber Onie E. Barber, William R. Barber, James E. Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Flora E. Orr, Attie L. Hunt, Alcey J. Swart, APPELLANTS.

vs

CHEROKEE NATION, APPELLEE.

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Come now the appellants in the above entitled cause and petition the Court to grant an appeal in said cause from a decision of the Commission, known as the Dawes Commission, created and empowered to treat with the Five Civilized Tribes of Indians, to-wit: the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Indians, and to pass upon and decide applications for citizenship in the said Five Civilized Tribes, which decision by said Commission was rendered by authority of, but not in accordance with, an Act of Congress passed and approved June 10th, 1896, and by which decision on the 29 day of October, 1896 the aforesaid appellants were denied their rights to citizenship in the Cherokee Nation, Indian Territory.

The facts relied upon by the appellants to establish their right to citizenship in the Cherokee Nation, as aforesaid are as follows: to-wit: The affidavits of E. Dawson, S. E. Dawson T. A. Dawson, F. M. Dawson.

Said affidavits fully and conclusively establishing the fact that said applicants are Cherokee Indians, by blood and descent, and entitled to rights of citizenship in the Cherokee Nation.

Said affidavits, together with the application, of said appellants, were, prior to September the 10th, 1896, filed with and submitted to said Commission for its investigation, consideration and decision.

That a certified copy of said application, together with the supporting affidavits, were served upon the Chief, or Attorney General, of said Cherokee Nation, prior to September the 10th, 1896.

The errors of the Commission in rejecting the claims for citizenship of said appellants are the grounds for appeal to this Court, to-wit:

FIRST. The Commission erred in rendering its decision on said claims adversely to the applicants and against the proof submitted by said appellants.

SECOND. The Commission erred in investigating the claims of appellants and denying same in the absence of a majority of the members of the Commission.

THIRD. The Commission erred in refusing the appellants the right and privilege of examining the proof submitted by appellee in support of the answers filed by the appellee and denying the appellants the right of filing replication to appellee's answer or producing proof in rebuttal of the same.

FOURTH. The Commission erred in denying the appellants the right of a trial of their claims by a competent jury, as guaranteed to them by the laws and constitution of the United States.

FIFTH. The Commission erred in refusing appellants the right to be represent in person, or by attorney, during the trial and determination of their claims before said Commission.

SIXTH. The Commission erred in refusing to issue process for witnesses and to send commissioners members of an organized to do so by the appellants.

SEVENTH. The Commission erred in deciding against the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in deciding against blood, holding that blood was not a test of the right of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the question of residence, holding that residence in the Cherokee Nation was not a test of the right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their docket or record the grounds upon which the claims of appellants were denied and refusing to notify appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims and deny the same.

TWELVTH. That the Act of Congress approved June the 10th, 1896, was unconstitutional and had no power or legal right to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

THIRTEENTH. That Congress had no power by enactment to create, appoint and empower a judiciary, and said Commission erred in denying the claims of said appellants without any legal authority to do so.

Therefore, the appellants of this cause pray that an appeal be granted to this Court and that a trial, de novo, be granted the appellants, and that said appellants be permitted to introduce new testimony, and that an order be made requiring said Commission to send all pleadings, papers and record filed before it in this cause to this Court, and that the Cherokee Nation, the appellee herein, be cited to appear

at this Court and plead and defend against the said [illegible] why the appellants should not by the rules, orders and decisions of this Court be adjudged entitled to citizenship in the said Cherokee Nation, and the appellants will ever pray.

(signed)
W. P. Watts,
A. H. Garland,
W. J. Watts,
Attorneys for Appellants."

Indorsed on back: "Cherokee Citizenship Case, No. 30 No. Joanna Barber et al vs Cherokee Nation Filed Dec 23 1896 Jas A Winston clerk Watts, Garland & Watts, Attorneys for Appellants."

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"SUMMONS.

SC WGW
United States of America,)
Indian Territory,) ss.
Northern District.)

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the Northern District, Indian Territory:

You are commanded to summon the Principal Chief of the Cherokee Nation, or the Attorney General of said Nation, to answer on the first day of next May term of the United States Court for the Northern District, Indian Territory, at Muskogee, Indian Territory, being the 4th day of May, 1897, A.D. 189— a petition praying an appeal from the decision of the Commission to the Five Civilized Tribes duly filed in said Court by Joanna Barber, Chas E. Barber, Wm P Barber, Jas E Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Emma Moore, Attie L. Hunt, Alcey J. Smart, who claim to be entitled to be enrolled as citizens of said Nation, to the United States Court for the Northern District, Indian Territory, which petition is now pending in said Court, and you will make due return of this summons within ten days after the actual service of this writ.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, this 23th day of Dec. 1896 A.D.189--

(SEAL)" (signed) J. A. Winston, Clerk.

"MARSHAL'S RETURN.

I received this summons the 23" day of December A.D. 1896 and served the same as follows: W. T. Mitchell, Attorney General of Cherokee Nation Indian Territory Accepted Service on the within this Muskogee, Indian Ter. this 23" day of January 1897

(signed) W. T. Mitchell

U.S. Marshal

By .....Deputy."

Indorsed on back as follows: "Citizenship Case No. 90
Jo. G.. Nation... Summons....Atty's for Cit. Nats."

"Joanna Barber et al.
vs. No.90.
Cherokee Nation.

Mr. M. A. Gibson, Special Master, to whom this cause was referred, submits the following report:

'IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,
FORTY FIVE DISTRICT, AT MUSKOGEE.

JOANNA BARBER ET AL)
)
-VS)- : REPORT OF SPECIAL MASTER.
)
THE CHEROKEE NATION.)

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I, M. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings herein, which is hereto attached and make a part hereof, and find as I find as follows:

I

This cause was instituted on September 8th, 1898, before the Dawes Commission to the Five Civilized Tribes, by Joanna Barber, and Isaac J. Barber, her husband, and their Children, Onis E., William K., James E., Johnnie and Joel A. Barber. That Joel A. Barber has the following children. Hattie Toliver, George A., Frankie C., Jesse and Ethel Barber. That the application includes also Mary A. Boyer and her child Inez Boyer, Emma L. Murphy and her child Claud Murphy, Eliza Loone and her children Anna J., Jackson D., Laura Gladys, Attie L. Hunt and her child Norman Hunt, Albert J. Stuart and her children Georgia A. and Emzey L. Stuart, Josie J. Garlinghouse and her children Lyrtle C., Dora L. and Bertha M. Garlinghouse. That this application was by the Commission tried and rejected on October 20th, 1898, without reasons given for the decision, and that subsequently on December 27, 1898, the claimants appealed to this Court. That the parties all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be admitted to citizenship in the Cherokee Nation by reason of their descent from Polly Rogers, who is claimed to be a Cherokee Indian by blood. That there filed in support of their application the affidavits of S. P. Dawson, E. Dawson, Francis J. Dawson, and F. A. Dawson, who testify that Joanna Barber is the daughter of Elizabeth Reedy, nee [illegible], who was the daughter of Polly Rogers, [illegible] Cherokee [illegible] Indian by blood, and that Polly [illegible] Cherokee Indian Johnson [illegible] Alsey Vann. [illegible] are all Cherokee [illegible]

claimants, and according to their testimony, related to them by blood.

The appellee introduces to controvert this testimony the decision of the Cherokee Commission on Citizenship, rendered in the year 1907, in which these claimants were rejected by this Commission and also the affidavits of W. C. Rogers a grandson of Captain John Rogers, and Mrs. Sarah Carter, a granddaughter of Captain John Rogers, both of whom state that they never heard of any daughter of said Captain John Rogers by the name of Polly Rogers, and that Cynthia Rogers was his only daughter.

III

The claimants contend that they are residents of the Cherokee Nation, and are relatives of the Dawson family, who are recognized citizens of the Cherokee Nation by blood, and entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west; that his name does not appear on the rolls of the Cherokee Nation, and that he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

The premises considered, in view of the unsettled condition of affairs in the Cherokee Nation at the time when Captain John Rogers, the ancestors through whom these claimants trace their Cherokee blood, lived, and especially in view of the absence of a marriage law and of records pertaining to marriage, I am of the opinion that these claimants have proved that they are descended from Capt. John Rogers, who resided in the Cherokee Nation, and was a recognized citizen, though they do not show that he was ever enrolled as such, and I therefore find that the claimants are all residents of the Cherokee Nation, Indian Territory, that they are all Cherokee Indians by blood, that they have resided in the Cherokee Nation since 1867, and probably longer, but the record does not state definitely how long they have so resided.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted this 17 day of August, 1908.

(Signed) H. A. Gibson,
SPECIAL MASTER.

Approved.

Let Certificate Issue."

THE COURT.

[illegible] it appears that the claimants in this case [illegible] citizens of the Cherokee Nation, that they are descendants of a Cherokee Indian by blood, whose ancestors through whom they claim [illegible] Cherokee [illegible] consisted [illegible] Cherokee [illegible] proof [illegible] I [illegible] Certificate [illegible] tion.

to be enrolled as citizens of the Cherokee Nation is denied."

Indorsed on back: "90 No.7 Joanna Barber et al vs Cherokee Nation, Final Report of Special Master, Filed August 17, 1897, Jos A. Winston, Clerk."

Foregoing papers in Joanna Barber case enclosed in jacket indorsed: "90 Joanna Barber et vs Cherokee Nation."

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"NOTICE.

90C

UNITED STATES OF AMERICA)
INDIAN TERRITORY (SS
NORTHERN DISTRICT.)

In the United States Court for said District.
In the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation.

To the Commission to the Five Civilized Tribes.

You are hereby notified that an appeal has been taken in the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said Court to transmit at the earliest time practicable to said Court, at Muskogee, Indian Territory, a transcript of all the entries made in the docket of your tribunal relating to the case, together with the depositions and testimony taken before said tribunal; the decision thereof on the application, and all original papers relating thereto.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 27 day of Dec. 1896. A.D. 189—.

(SEAL) (signed) J. A. Winston, Clerk."

Indorsed: "No. 1864 Joanna Barber et al vs Cherokee Nation, APPEAL ORDER OF U. S. COURT."

Foregoing paper enclosed in jacket marked: "No. 1864."

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BY MR. HUTCHINGS:

We now introduce the original papers in the citizenship case of Irene J. Mouse, et al., before the Commission in 1896, the court number of same being 23. said case being denied by the Commission, appealed to the United States Court, and the decision of the Commission affirmed.

In this case we desire to read special attention to the certified copy filed therein of the testimony of Arthur Baker, the certified copy having been made in 1894, being the testimony of Dr. Baker in the case of Robert Lawson against the Nation, number 116, on the docket of said Commission, and which was made January 1, 1895.

BY MR. McKENNON: To all of which we object, because the same is immaterial, irrelevant and incompetent.

The P pers in Court No 238, just introduced above, are as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19, 1882.

No. 108.
Robert Dawson et al) Exhibit C.
vs (
Cherokee Nation,)

Testimony for Claimants,

Witness, Dr. Arthur Baker sworn testified as follows:

My name is Arthur A. Baker I reside at Berryvill Arkansas Carroll County .y age is 73 years I am not a Cherokee. I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County some 35 years – At my Mothers house near Calhoun I became acquainted with the claimants Robt Dawson grandmother on mother's side She was frequently at my mothers house though she Anna Pruet lived in the Nation side; She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee, the first time she brought the claimants mother to my mothers house she the mothers mother was about grown when I was a little boy. She called her daughter Polly Rogers, Said Captain John Rogers who ran a Boat up the River was the father of the hild; I saw the girl frequently there at my mothers and there at Louis Ramses Store.

I saw her occasionally until I was 15 or 16 years of old and I think then Old Capt. John Rogers took her off to school, I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson, I stayed all night there and we and I had a talk over our old matters and I asked her where she became acquainted with Dawson and she said at the time she was going to school and she said after she left school that Dawson followed her home, to the Nation and they were there married. I have told that precisely in the words that she used, Capt John Rogers claimed to be one fourth Cherokee. The claimant is the son of Polly Rogers, and I know Polly Rogers to be the daughter of Anna Pruett and I know the claimant to be the son of Polly Dawson.

Capt. Rogers [illegible] in the Cherokee Country about twenty (Word "twenty" marked out) twelve miles below Calhoun on the Hiwassee [illegible] Anna Pruett resided in the Cherokee Nation as [illegible] the Dawson when I got acquainted [illegible] recognized where they were as Cherokees. [illegible] Buck, John, Marian and two girls [illegible] petition I recognized as [illegible]

Question by [illegible]

Qo. 1 How [illegible]
Ans. 1 Five [illegible]
Qo. 2 Did [illegible] married twice?
Ans. 2 [illegible]
Qo. 3 Could [illegible]
Ans. 3 Yes, [illegible]

Ques 4 Did Polly Rogers speak Cherokee?
Ans. 4 She did when I was young.
Ques 5 How far did you live from Ft Gibson?
Ans. 5 Lived across the river about 3/4 of a mile.
Ques 6 Was Saloon in the Cherokee Nation?
Ans. 6 It was on both sides of the river part in the Nation and part out in the state.
Ques 7 Which Hannage was it went to Texas?
7 George went first, then John went, they were the sons of old man Hannage, that lived up near the line.
Ques 8 Did the Claimant go to Texas?
Ans. 8 No the Claimant did not go to Texas.
9 What connection was claimant and Polly Rogers?
9 The Claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.
10 Where does claimant now live?
10 He lives in Carroll Co Arkansas.
11 Do you know what relation old Capt John Rogers was to Charles Rogers here in Cooweescoowee?
11 They claimed kin but what kin I dont know there were two Capt John Rogers in the Nation I am speaking of the time when I first come to this country about the year 1830.
12 Was Ann Price the maiden name of claimants grandmother
12 Yes but was her maden name the Indian called her Since

his
(signed) Arthur x Baker
mark

Witness [illegible] analyzed in the reason why he signed by a mark this day

I [illegible] Assistant Executive Secretary do hereby certify that the foregoing Document is a true and correct of the original on record in the Executive Department of the Cherokee Nation

[illegible] my hand and the seal of the Cherokee Nation [illegible] day of December 1894.

(signed) R. T. Hanks,
Asst Exec Sec. "

[illegible] the Eastern Cherokee Commission on Citizenship in the Final Roll [illegible] in the Indian Territory:

[illegible], Irena J. Morse, undersigned, respectfully [illegible] Cherokee Indian by blood, as asks to be [illegible] the Cherokee Nation of Indians in [illegible] the derives her said Indian blood [illegible], she is a Cherokee Indian by blood [illegible] being a daughter of Elizabeth Petty [illegible] Polly Rogers and Samuel Dawson, the [illegible] the daughter of Captain John Rogers [illegible], Cherokee Indian, as shown by a [illegible] Affidavit of Dr. Arthur A. Baker, [illegible] Affidavits marked [illegible]

[illegible] states the above facts as the basis [illegible] for citizenship in the Cherokee

Nation, and prays that her claim may be fully investigated by your Honorable Commission and that she be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 34 years, My Post Office address is Talala, Ind. Ter. My family consists of the following named persons: My husband and children as follows:
[illegible] aged 34 years; Chas. C. House, aged 9 years; [illegible] House, aged 8 years, Amy C. House, aged 5 years.

Subscribed by me this 19 day of August 1896.
(Signed) Irene J. House.

- - - - - - - -

Northern Judicial
District, Ind. Ter. SS.

Personally appeared before me, the undersigned authority, Irena J. House, to me known to be the petitioner in the above petition, who being by me first duly sworn upon her oath says that she is the petitioner in the above petition, that she has read (or heard read) the said petition and that the facts stated therein are true, as she verily believes.
(signed) Irene J. House.
Subscribed and sworn to before me at Talala, Ind. Ter. this 19 day of August A.D.1896.
(signed) J. Barricklaw,
Notary Public, My Commission expires
(seal) June 8 1899."

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"Exhibit A.
Northern Judicial Division,
Indian Territory.
Jonah Butler being duly sworn according to law, on oath [illegible] made in Jonah Butler Id Cl sixty one years old [illegible] Post Office address is Tahlequah Ind Ter- My husband connection [illegible] Cherokee Id Cl Tahlequah Dist I [illegible] Cherokee [illegible] of Father Lewis Elizabeth Petty (nee Dawson) [illegible] Polly Dawson (nee Rogers) [illegible] Robert Rogers and [illegible] Mary Ann) the following Irene J. House [illegible] Williamson County, Tex [illegible] Talala I Terry
(signed) Jonah Butler
[illegible] sworn to before me this 19 day of August.
(signed) J. Barricklaw,
Notary Public, My commission expires
June [illegible] 99

"[illegible]

[illegible]
[illegible] Judicial District [illegible].
[illegible]

My name is F. M. Dawson; I am 54 years of age; My post office address is Afton Indian Territory I am a farmer by occupation a d reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my grandmother whose maiden name was Polly Rogers through my father Robert Dawson, My grandmother Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee. My grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1832 and settled in Western Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory, Robert Dawson, the father of the affiant was also a recognized citizen of the present Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson father of this affiant and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of said Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers The said Elizabeth Petty was the mother Of Joanna Barber who is a full cousin by blood of this affiant in the Indian side. The said Joanna Barber is the mother of Irena J. House nee Barber who is a second cousin of this affiant in the Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and drew their per capita money all the last payment; said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, derives her Indian blood and right.

This statement I have made to John H. Koehler, a Notary Public at Muskogee Indian Territory and it has been written down by him at my dictation. Such part of this testimony which refers to matters occurin previous to my recol ection I know by means of family history and traditions which facts I have always been taught and told of by my parents and grand parents from childhood up, te facts stated as occuring since my childhood I know of my personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irene J. House for citizenship in the Cherokee Nation.

(Signed) F. M. Dawson."

"Indian Territory,
Northern District.

I John H. Koehler, hereby certify that the annexed and foregoing statement affidavit was dictated to me by F. M. Dawson and was subscribed and sworn to by him and was written by me upon his oral statement at my office in Muskogee Indian Territory this 24 day of August 1906, and I further certify that the [illegible] to me and that he is a [illegible] interested in the matter.

(Seal)

Northern Judicial District,
Indian Territory.

EXHIBIT D.

E. Dawson, being duly sworn according to law on oath states: My name is E. Dawson; I am 61 years old; My post office address is Talala, Ind. Ter. I am Farmer by Occupation, and reside in Dooweescoowee District- Cherokee Nation. I am a recognized Cherokee Indian by blood, and exercise all the rights and immunities of a Cherokee Citizen now living in the present Cherokee Nation. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my Grandmother Polly Rogers through my Father, Robert Dawson. My Grandmother Polly Rogers was a Cherokee Indian and was married to my grandfather Samuel Dawson in the old Cherokee Nation in Tennessee. My Grand Parents, Samuel Dawson and his wife Polly Dawson whose maiden name was Polley Rogers came West from the Old Cherokee Country in about the year 1828, and settled in Western Arkansas, and later came on to the Cherokee Nation. My Father Robert Dawson was a recognized member of the Cherokee Nation when he died, by reason of his Cherokee Indian blood.

The said Robert Dawson, the father of this affiant, and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of the said Samuel Dawson and Polly Dawson his wife she being the same Polly Rogers as aforesaid. The said Elizabeth Petty was the mother of Joanah Barber who is a full cousin by blood of this affiant on the Indian side, the said Joanah Barber is the mother of Irene J. House, whose maiden name was Irene J. Barber and a second cousin of this affiant on the Cherokee Indian side. This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians of the present Cherokee Nation and exercise all the rights and privileges of such Cherokee citizens, they having drawn their shares of the Strip Money at the last per capita payment made by the Cherokee Nation.

Said citizens and relatives derived their Cherokee Indian blood from the same source, as did the above named Irene J. House.

I have read this statement before J. Carrickhar, Notary Public at Talala, Ind. Ter, and affiant further states that he has no interest in the prosecution of the claim for citizenship in the Cherokee Nation of the said Irene J. House.

[illegible]

[illegible]

Subscribed [illegible]
1896

[illegible]

"Cherokee Nation,
Coowescoowee District. EXHIBIT E.

Before me the undersigned authority this day, personally appeared W. A. Dawson who is to me well and personally acquainted, and after being duly Sworen; deposeth and says, that he is well acquainted with Irena J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of Joana Barber, who is a neice of Robt. & James Dawson, who are both Cherokee Indians and recognized citizens of the Cherokee Nation.

Affiant further states that Irena House is the grand daughter of Mrs. Petty, who was a full sister of Robt & James Dawson.

Affiant further says that he knows that Irena House is a lineal descendant of Annie Dawson whose ~~children~~ (line drawn through word "children") sons, Robt & James before spoken are recognized citizens.

Affiant further says he has no interest in this suit.

(signed) W. A. Dawson.

Sworn and subscribed to before me this 17 day of August 1896.

(signed) William Lynch
Notary Public.

(Seal) My term expires Feb 6 1900."

Foregoing indorsed on cover as follows:
"No: 3099 5464 Before the Dawes Commission on Citizenship in the Five Tribes. Irene J. House V.S. The Cherokee Nation. Petition and Proof, Will E. Linton, for Petitioner. Filed Sept 8 1896 A. S. McKennon, Com'r. Denied. Filed Feb 20 1897 Jas A. Winston clerk."

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"Receipt of H. M. Jacoway, jr., Secretary to the Commission to the Five Civilized Tribes the original papers in the cause of .... vs..... Nation, as follows..... Witness my hand and official seal at Muskogee this the 20 day of Feb' 1897 J. A. Winston, Clerk."
(Seal)"

Indorsed: "Court No.238 No. 5464 Receipt for original papers in the case of Irena J. House vs. Cherokee Nation, Received and filed this ..... day of..... 189..."

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"Irene J. House et al,
vs. No. 238
Cherokee Nation.

Mr. H. A. Gibson, Special Master to whom this case was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSKOGEE.

IRENE J. HOUSE ET AL

VS # 336 REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION.

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I, N. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings on file in this case which are made a part of this report, and that I find as follows:-

I

That this case is in reality a branch of Case No. 90, Joanna Barber vs Cherokee Nation, the principal claimant herein being Irene J. House a daughter of Joanna Barber.

That this cause was instituted on September 2, 1896 at which time application was made to the Commission to the Five Civilized Tribes for citizenship by blood in the Cherokee Nation.

That this case was tried by the said Commission on November 24, 1896 and the applicants denied, no reasons being given for the decision, and that on January 30, 1897, the parties appealed from said decision to this Court.

That this application was made by Irene J. House, her husband, W. J. House, and their children Chas., C. Winston T., and Henry W. House. That they file in support of their application the affidavits of Joanna Barber, T. . Dawson, Arther A. Baker, E. Dawson, and W. A. Dawson. That these Dawson witnesses are citizens by blood of the Cherokee Nation, and state that they are related by blood to the claimants herein on the Cherokee side. The claimants base their contention of a right to Cherokee citizenship upon the fact that the claimant Irene J. House is the daughter of Joanna Barber, who is the daughter of Elizabeth Petty, who was the daughter of

Polly Rogers, and that Polly Rogers was the [illegible] of Captain John Rogers and Ailsey Vann, who were recognized Cherokee citizens by blood. That the testimony shows that this Dawson family are recognized citizens of the Cherokee Nation, and that the claimants herein are cousins by blood to the Indian side, and that they all claim through Polly Rogers. Polly Rogers and Captain John Rogers and Ailsey Vann, were all recognized Cherokee Indians.

II

The appellee introduces in defense to the [illegible] of the application of [illegible] claimants to the Commission on Citizenship in the year 1896, and the [illegible] injunction of the claimants, and further introduces [illegible] Rogers, and Mrs. Sarah Carter, a granddaughter of Polly Rogers, that they never heard [illegible] by the name of Polly Rogers, [illegible] whose name was Cynthia.

III

The claimants [illegible] Cherokee Nation and [illegible]

recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name does not appear on the rolls of the Nation, and that neither he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

IV

The premeses considered, I find that the claimants are the descendants of Captain John Rogers, and that it was entirely possible that in the condition of arrairs at that early date in the Cherokee Nation, especially owing to the absence of a marriage law and of records pertaining to marriage, that those claimants should be the descendants of Captain John Rogers by a daughter, Polly Rogers, of whom the affiants for the appellee may never have heard.

I find that the claimants are residents of the Cherokee Nation, Indian Territory, where they have resided since 1887, and that they are Cherokee Indians by blood.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted, this 8 day of Nov 1897.

(signed) M. A. Gibson,
Special Master.

My fee paid,
No Exceptions filed."

Foregoing papers indorsed on cover as follows: "238, Irene J. House et al V Cherokee Nation Final Report of Special Master, Filed Nov 10 1897 Jas A. Winston, Clerk."

Foregoing papers enclosed in jacket indorsed as follows: "238, Irene J. House, et al vs. Cherokee Nation."

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BY MR. HUTCHINGS:

Well we close for the present.

TESTIMONY INTRODUCED ON BEHALF OF THE APPLICANTS:

D. " C. DUNCAN, being first duly sworn, and being examined, testified as follows:

BY MR. McKENNON:

Q Please state your name, age and residence? A My name is D. F. C. Duncan, my age is 72 years, my residence, Vinita, Indian Territory.
Q Are you a duly recognized citizen of the Cherokee Nation by blood? A I am.
Q You gave testimony in this case once before did you not, before the Dawes Commission? A I did.
Q Before this Commission I will say, this Commission? A The Dawes Commission? A Why I don't recollect who the Commissioner was, that was taken at Vinita, ex parte.
Q Were you in any way connected with the Cherokee Citizenship Commission in 1883 known as the "Tolbee Commission"? A I was Clerk of that Commission.

...[over what length of time? A I don't recollect the exact length of time, I think it was about thirty days, during the continuance of that Commission, existance of that Commission.
Q You were the only clerk it had during its existance were you? A I think I was.
Q You were Clerk of that Commission when it rendered a decision in favor of Robert Dawson et als, as found on page 114, of its record, numbered 108 (witness examines record referred to.) now in the possession of this Commission? A I was.
Q The members of that Commission were the same as shown by the signatures to this judgment were they? A The same, yes, sir.
Q Thomas Tehee, President of the Commission, Alex Wolfe and T. F. Thompson, Commissioners, that is correct, is it? A That's correct.
Q Were you present when this case was under consideration by that Commission and when it rendered this judgment in the case? A I was.
Q Were you at that time acquainted with F. M. Dawson, commonly called "Bud Dawson", Campbell Taylor and Samuel H. Benge, who were attorneys, who were Cherokee attorneys at that time? A I might say that I merely knew Mr. Dawson; all I know of him was I saw him here as a party to the suit. I knew Mr. Taylor and Mr. Benge more extensively; I have known them a number of years.
Q They were recognized Cherokee citizens were they? A They were.
Q Was Taylor not known generally as a Citizenship Attorney? A I think he was.
Q Do you remember seeing him and Benge present at the time this case was under consideration by the Court? A Why I do not recollect seeing Mr. Benge, I cannot recollect, but I can recollect of seeing Mr. Taylor about the Court room now and then.
Q Do you know who submitted the case to the Court for the applicants? A Let me understand the meaning of that; who brought the case?
Q Who called up the case? A No, I don't recollect.
Q Do you remember whether that Commission rendered any other decision than that found upon this record in that case? A I never had any knowledge only but one decision.
Q Was that in favore of or against the applicants? A It was in favor of them; I will say this: that if there was another decision other than the one that appears on the docket now before you, I have no recollection of it.
Q The only decision you have any knowledge of was rendered by you as that Record here shows was it not? A That is the only one that I have any knowledge of
Q Did Dawson pay you any money in connection with that case? A ...ot.
Q ...promise to pay you any money for your influence ...in that case? A Never.
Q ...y money, either directly or through any other ...y influence in that case? A Never.
Q ...knowledge of ...having paid to the Court ...member of the Court any money for the purpose of influencing ...ment in that case? A None whatever.
Q ...observed his conduct during that ... The only ... I had was during ... during ... in ...
... Court which ... that judg-

ment? A I never observed anything of the kind; nothing that awakened a suspicion in my mind that he was engaged in that kind of practice.
Q Did Campbell Taylor at any time after the rendition of that judgment pay to you any money as coming through his hands from Dawson for any services you had rendered to him in that case?
A Yes, he paid me some.
Q What amount? A My recollection is that, I think it was a twenty dollar bill. I don't know but I had better go and state the transaction, all about it.
Q Yes, sir. A Mr. Dawson, Ned Dawson, during the trial of the case occasionally applied to me at my desk for writing paper, forms of a subpoena or transcript, something of that kind; I always treated him with courtesy and proper official consideration. He seemed to appreciate it, and whenever I did services of that kind to him, says he, I have no money, Mr. Duncan, but I feel as I ought to pay you. I told him I made no charges for work of that kind. And in passing I might state that I never received a cent for any kind of that work which I had been in the habit of doing for various parties before the Court.

After his trial was concluded, in the afternoon a little while before supper I went to my hotel, the National Brick Hotel in Tahlequah; went to my room, felt a little tired, laid down upon the bed to rest, I recollect Mr. Duncan stepped into the room, drew a chair up to the bedside and sat down and commenced giving expression to his gratification at the success of his case, dwelling mostly upon the testimony in the case being so satisfactorily, establishing his Cherokee blood, and that he thought that he was entitled and that he had received justice by the Court. I listened to him, and we talked there I guess some ten or fifteen minutes; after a little he says, I must go to-morrow, I think he says to-morrow, I must go home,-he then lived down in Arkansas somewhere. Says he, Mr. Duncan, I believe I owe you something, ought to pay you something. Alluding, as I understood, to those little courtesies that I extended to him at my desk. Says I, I make no charges, Mr. Dawson, for services; if I have done you any good you are welcome. Well, says he, I feel indebted to you, I ought to pay you. I says, that makes no difference; I will leave that to you. Says he, I have hardly enough money to get back home. He shook my hand, and the last word he says to me, you won't lose anything for your kindness to me; I thought he had reference to my services at the desk. That was the last I saw of Mr. Dawson, or it must have been a year afterwards; I had located a little claim on the public domain up there in Delaware District, staked off what I intended to be a farm, merely stakes, I hadn't made any other improvements, over there on Horse Creek. Went over in that part of the country to look after my claim, and I run across Mr. Dawson, he had come into the Country and located and built him a little shanty and was living in it; I called upon him, he was very glad to see me; I asked him what he was doing there; he said he had moved into the country, as I told him, says I, you are encroaching upon me here; he had spread his claim over part of mine, mine had been made so long it was outlawed under Cherokee law. Well, says Mr. Dawson, I don't feel like doing you any wrong, I will pay you for your claim, and we will settle the matter in that way, that is as soon as he got his little matters together that he would satisfy me for it. Well we parted at that point. It run on then for a long time, I don't know how long,- I think I met him in Vinita, and says he, did Campbell Taylor pay you for that I sent to you? Says I, No, I have not seen Campbell.

Well, says he, I gave him some money and told him to hand it to you for me, and, says he, you ask him and he will hand it over to you I guess. Well we parted then. Well, went on for some time, some months; I happened to meet Mr. Taylor in Tahlequah: I met him on the street I think, jocularly I slapped my hand on his shoulder, says I, look here, did Mr. Dawson any money to me by you? He says, yes, and he pulled out what I recollect to be a twenty dollar bill, and handed it to me: I received it, and I received it with the idea that he was compensating me for taking my claim, or possibly for doing him those little services in the Court. Now that is the real and substance of the whole thing.

Q Was not that twenty-five dollars, Mr. Duncan? A It might possibly have been, my recollection does not serve me exactly, it might have been 25 dollars.

Q Did Campbell Taylor pay you any other money as coming from Bud Dawson? A Never a cent.

Q Did he at one time pay you fifty dollars out of a hundred dollars which he had received from Mr. Dawson? A Never.

Q Did he on a second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson? A None at all.

Q He paid you no ot er money than that you have already stated, from Mr. Dawson? A Not a cent.

BY MR. McKENNON: We offer in evidence the judgment of the Cherokee Citizenship Commission before referred to, and ask that it be filed in evidence in the case of every application made by members of the Robert Dawson family who claim under it, or through Robert Dawson, as citizens of the Cherokee Nation, said judgment being found on page 114, Records of the Tahlequah Court, 1880 to 1884, case number 108, judgment dated January 11th, 1883, signed by Thomas Tehee, President, Alex Wolfe, T. F. Thompson, Commissioners. D. W. C. Duncan, Clerk Commission.

The said judgment just introduced is as follows:

"Office Commission on Citizenship,
Tahlequah, C. N., September 24th, 1881.
No. 108
Robt Dawson,
Filbert Dawson,
Jasper Dawson,
John Dawson,
Josephine Dawson,
Joseph Dawson, Petition for Citizenship
Jane Dawson,
Molly Dawson,
Filbron Dawson,
James Dawson,
Pial Dawson,
vs.
Cherokee Nation.

Continued by the Plaintiff, Oct. 5, 1881.

January 11th, 1882.
The above case continued by the Cherokee Nation till next.

term. Agreed by the parties that the above shall not be taken up for final disposition before the 4th day of Oct. 1882, October 4th, 1882.

It is agreed by the parties that this shall be finally disposed of at the next January term if the claimant is present regarding the same, if not, the case shall be then continued to the September term, 1883.

On this agreement Commission continues the case till the next January term to-wit, January 1883.

And now this 11th day of January A.D. 1883 this case coming on for final hearing, and all the evidence produced in the case being carefully read and duly considered by the Commission it was adjudged and determined by the Commission on Citizenship that the claimants, Robert Dawson, F. M. Dawson, Elbert Dawson, James Dawson, John Dawson, Josephine Dawson, Joseph D Dawson, Ida Dawson, Molly Dawson, Wilson Dawson, Jules Dawson, and Mial Dawson are Cherokees by blood; and that they are entitled to all the rights and privileges of Cherokee Citizenship within the Cherokee Nation, and that they should be, and they are, hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

(signed) Thos. Tehee,
President of Com.

D. W. C. Duncan,
Clerk of Commission.

Alex Wolfe, } Commission,
T. F. Thompson, } ers.

Transcript issued to Claimants, January 11th, 1883,
(signed) D. W. C. Duncan, Clerk."

Marginal Note: "Case submitted by Claimant January 11th 1883. Case submitted by Solicitor January 11th, 1883."

Q Do you remember how many members of the Court were present when this judgment was rendered, or were all of them? A My recollection upon that point is not positive, but my impression upon that I know to be the practice of the Court at the time, seeing the names of all these Commissioners there, I can say with a great deal of positiveness that they were all present, because I never signed the name of one of the Commissioners unless he was present, assenting to it or directing it.

Q The rendition of that judgment then was concurred in by all of the three judges? A It was.

Q Mr. Duncan, if there had been a decision rendered the day before in this case while the Court was in session, adverse to these Claimants, would you have known it? A I certainly should have known it.

Q Was there any such decision of the Court? A None to my knowledge. I can say positively there was not.

Q How many of these Judges are now living? A Only one.

Q Who? A Mr. Thompson.

Q Tehee and Wolfe are dead? A Tehee and Wolfe are dead.

Q How long have they been dead, do you know? A I do not know, quite a number of years. I wasn't living here, never lived near them when their death occured, and their death occured perhaps a little before I got knowledge of it. It is generally understood that they are dead.

Q Do you remember to have seen any other part of the Dawson family about the Court at that time than Ned Dawson? A I have been thinking, and I can't call to mind that I ever saw any other member except Ned, until after they came back from the country subsequent to the rendition of the judgment.

(At this point a party who has been sitting in the room in which the examination is being held, is called forward, sworn on behalf of applicants, and ordered to retire until called.)

BY MR. HUTCHINGS:

Q Mr. Duncan, when did you become a clerk of the Yukon Commission Court? A It must have been somewhere in December, 1894, at the time the Commission was organized immediately at the close of the Council in which they were appointed.

Q December 1894? A I think so.

Q What are you doing, rendering judgments in your hand writing in 1897? A The Commission held its Court after they were elected somewhere.

Q The Court was elected in 1894 wasn't it? A Well, I remember that, I don't pretend to say when the Court was elected, I did not have said at the time I was chosen clerk. I was chosen clerk just on the close of the session of the National Council of that year.

Q '94? A I think it was '94.

Q You entered up this judgment rendered January, 1897? A Yes, that was the session of the Commission.

Q That was before you were clerk of it? A Well I held the clerkship for some time you know continuously.

Q Well but when you came to sit you were their clerk when the case was passed on? A No, I don't mean to say that.

Q How could you be clerk when the judgment case was passed on in 1897 when you were not elected until 1894? A I am thinking in that, 'ed colon after '97,- it was the year preceding 1898, it must have been '96.

Q Your first entry in the Dawson case is January 13, 1897, isn't it? A I don't recollect what my first entry was. (Attorneys show the record to witness) Yes, that is the entry made on the 13th,

Q And that was shortly after you became clerk wasn't it? A Yes, shortly after I became clerk.

Q The case had been entered upon the docket before you became clerk? A I think so, yes; It was entered by my predecessor prior to the election of the Commission.

Q In whose handwriting was the names of the three Commissioners to the judgment? A Dawson Jr's part?

(Attorney shows record to witness again) A That is my handwriting.

Q All three names? A All three names.

Q The record there shows that you individually have there in the transcript of the judgment, do you know who of you did that? A I signed the transcript?

Q Yes, sir. A I do not recollect now, this is, did I sign it? Signed the names to it? A Yes, that's it.

Q You always signed the names of those gentlemen? A I think I did pretty generally; I don't know that I ever saw them write their own names.

Q When Mr. Thompson was there didn't he sign his own name? A Sometimes he did, sometimes he simply authorized me to do it.

Q Have you any recollection of his authorizing you to do it in any of the cases you have put on that record from time to time? A I don't recall the particular instance of authorization, but I can say positively that, consulting the record, that he authorized me to put the name there.

Q Will you look at the original transcript hereby shown you and referred to in the judgment and say who signed the names of the Commissioners there? A (Papers shown to witness) A I signed them there.
Q You recognize that as your handwriting? A I do.
Q What made you when you were testifying at Vinita before Mr. Martin, on looking at the same signatures, and being cross-examined by me, say that it was not your signature and that the signature thereto attached was the signature of Mr. Thompson? A Occurred in this way: I had not seen any of the records in the case for about nineteen years. The exact transaction in the court had vanished about entirely from my memory: I recollected at that time, however, when I gave in my testimony before the Commissioner, Martin, that that was a practice of the Court at the time I served by which I signed the names of the full-blood members of the Commission, and Mr. Thompson either uniformly or occasionally signed his own name. I based my statement in that deposition upon my knowledge of the rule or practice in the Court, without comparing the docket and refreshing my memory. I made an incorrect statement when I said that that was not my handwriting; I am convinced now that it is my handwriting. That is the way it occurred, the way it happened.
Q Then you consider your recollection of the fact that Thompson when he was present and rendering a judgment signed it himself, better than your own knowledge of your own handwriting?
A No, I didn't so regard it. I simply spoke without advisement when I gave in that testimony: I subsequently became better informed and concluded that that was my handwriting and not entered by Mr. Thompson under the rule, it was one of those cases in which he authorized me to do it myself, and I did it.
Then you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and not from the fact of your judgment on your handwriting at present? A I simply corrected my testimony in reference to the statement in regard to this handwriting, this case.
And you wouldn't know then as I understand you whether or not that is your handwriting if it was not refreshed by that you consider to be exterior facts? A I should know it by examining, I think, over the circumstances, I think I should recognize my own handwriting; but if the question should be propounded instantaneously without any advisement or preconsideration I might make a mistake.
You'll recognize the names of Thomas Tehee and Alexander Saunders in your handwriting at that time? A I was very positive, not so much, that the names of those Commissioners were in my handwriting, and I was made certain by reflecting that the rule that they never signed their names with their own hands, it always authorized me to do it. I have there is no question in my mind in me and to my handwriting in the instances.
And then the third case, [illegible] signed with your own little handwriting, you had to [illegible] the facts afterwards to determine whether that was your signature or not? A No. I don't think that if I had considered the circumstances, I could have been mistaken; that one of the signatures that has been Mr. Thompson's signatures was like this: I [illegible] his own hand and I was under the impression and I do not so think I am deceived that his signature was at least a resemblance to my own, when I doubted whether I had signed the name or not on that account.

Q You were rather somewhat at that time in your testimony by the fact that he, Thompson, I mean, wrote that out himself and you only didn't know A Mr. Thompson I mean, wrote that out himself and I was going to write to ascertain whether I was entitled or not, and after so long a time I could not find I was.

Q And he stated, didn't you tell him, that he always signed the original bill when he was present? A I do not recollect that I stated, that I used the word "always", at that it is, but at the time I was examined when the deposition was in my office he did, but since I came to realize all the facts of the case I was convinced that I was wrong, that accidentally I signed for him.

Q Then you never could put your testimony given yesterday like a year or a half ago was true, until you had the day before yesterday, and refreshed your memory from Thompson's statement? A I don't know that I have thought of it since that time until yesterday or day before the examination started.

Q But the only recollection that you have got and the only aid to your recollection that Thompson was present when this judgment was rendered was the fact that you say he signed it, in your handwriting, is it? A As a fact,-

Q You can answer that yes or no? A That seeing the memorandum aids my recollection and I recollect now that the commissioners were all present at the time that I signed it. I didn't their out on suit of court at all.

Q Was it in the forenoon now or in the afternoon? A I don't recollect whether it was in the forenoon or afternoon.

Q In recollecting that they were all present when the record was signed, do you mean to say that they were all present when the judgment was rendered? A Yes, that is, you mean when the question of admission or rejection was voted upon?

A Yes. A They were present.

Q Did you write up the record at the time that they rendered the judgment, or make a memorandum of it, and then write up the judgment some days afterward? A The record was not written up immediately upon the decision of any case, but I wrote up the record after adjournment, generally in the evening, and presented it next day or when the next session was had, for signature; that was the practice.

Q But in this instance you wrote it on the very day that it was rendered didn't you? A I didn't recollect as to that.

Q And gave them a transcript the very day it was rendered?

A I don't recollect as to that.

Q And indicated the giving of the transcript on the bottom of the judgment the day it was rendered? A I should say it was given at the end of the transcript.

Q That was a very unusual thing for you to do in entering up judgments? A To do what?

Q To endorse the bottom: that you had given a transcript the same day the judgment was rendered? A No, I don't know that there is anything unusual about that.

Q Any other clerks in that record or more than one in any event that you have ever done that? A I don't recollect, but as I don't recollect of giving anybody else a transcript.

Q That is what I am getting at: you gave them a transcript and wrote up your judgment and everything right away? A Pretty quickly after the decision; whether it was the same day or the evening, or the next day, I don't recollect.

[illegible] EXAMINATION

[illegible] APPEARANCES.—same as in foregoing.

[illegible] the stand.

Q Do you recollect what witnesses were before the Court? A I don't recollect who testified except Dr. Baker, I've got his name because of the length of his testimony at the time it took to take it.

Q The Doctor was about the only disinct witness there was? A He is the only one now that I can call to mind.

Q There was probably another old farmer that testified was not there? A I have no recollection to that effect.

Q The case was finally decided really on Doctor Baker's testimony, he is about the only one that knows anything about the case? A I am not certain that Dr. Baker was the only witness, might have been others that may escaped my recollection.

Q Doctor Baker's testimony was taken down in writing? A Yes.

Q The records do disclose also taken down in writing was there? A All the testimony that was adduced in the case was taken down in writing.

Q Did you ever see anybody's else testimony in writing except Dr. Baker in that case? A That is not as I recollect, I don't recollect any other but Dr. Baker's.

Q You know whether that was taken in advance before the trial or at the trial or how was it? A It was taken in the presence of the Commissioners during the session of the court.

Q I mean the day that the [illegible] doctor or how? A I do not recollect whether the case was on trial more than one day, but my impression is it is it was.

Q Do you know whether it was the same term of the court or not? A I think it was the same term of the Court.

Q How many terms a year did that court have, when and how did they last? A I don't recollect at that getting but one term.

Q Don't recollect its serving but one term? A Myself, it seems to me so.

Q You didn't go in until January of 1923 did you? your first record is a record of date the 15th of January 1923, as shown on the Book, isn't it? A I don't recollect in that regard.

Q How would they in a testimony in the case, then continue it, or how would they ordinarily do about that? A I think they decided on the case at the term in which they took testimony.

Q Can you say whether or not this testimony was taken in this case at the time it was decided or at the term it was decided, or within a week or two of the time it was decided? A My best recollection is that it was taken at the term in which it was decided; that was taken up, testimony heard and the decision was made at the conclusion of the testimony.

Q Well now, I see on October 4th, 1923, on your docket, the following entry reads: "It is agreed by the parties that this cause finally be dismissed at the next January Term," I would suppose that, "if one of the parties desire; in case, however, the case shall be continued to the October term, [illegible] this cause." Is that also continues the case till the [illegible] you had a

January and September terms and this decision was rendered at the January, 1903 term. Was Baker's testimony taken during the January, 1903, term, at the time this decision was rendered? A I find it impossible for me to reconcile those facts that are recorded there; although I can say about that, that the record shows the correct statement of the facts; but I can't recall those facts.

Q Well there is a record here that this case was continued on the 17th day of January, 1903, upon agreement that it should be taken upon the 4th day of October, 1903: your record shows that there was nothing done in the case from January 17th, 1902 until October 4th, 1902; would you say that was correct? A I should say it was correct if it is so stands on the books it is deemed to be a correct entry of the facts.

Q I will let you see the book for yourself, I don't want to misrepresent your end of it at all. (Shows entry in book to witness.) A I can't recall those facts in regard to the agreement.

Q Who took down the testimony of the witnesses in court? A I took it down.

Q You took down the testimony of Dr. Baker? A Yes.

Q Was the cross examined by counsel for the Indians? A As to that I don't recollect, he was present, he was always present, I think likely he was cross examined.

Q And that testimony was to be at or near the time when the judgment was rendered in January, 1903? A I think it was, my impression is to that effect.

Q Well the court seems to have had no session on to this case from January 17, 1902 up to October 4th, 1903, according to the record? A (No response.)

Q You don't recall taking down anybody's else testimony in the case? A No sir, I don't.

Q And the probability is that he was the only witness examined isn't he? A It might have been so. My recollection is that he was regarded as the main witness of the case.

Q He was quite an old man, about 77 at that time? A Yes, he was quite old.

BY MR. McKENNON:

Q The testimony of Dr. Arthur Baker, from this record, appears to have been in on January 17th, 1902; is that correct, as far as you may know, or are able to state? A Is that Dr. Baker's testimony? (Attorney here shows witness papers) A It appears to be, yes; I don't think that was the testimony that the case was decided upon, because his testimony was taken orally before the Commission, and I wrote it down; please let me see it. (Attorney hands said papers to witness.)

A Well, all I know about it is as I stated before, I can't recall those facts, but whatever the record says why I say that the record was made correct, according to the fact. (Witness refers to copy of the testimony referred to to refresh his memory.) I don't recall in reading that very clearly to my own understanding, but I gather from the subject matter in that testimony that it is in accord with Doctor Baker's statement, in exactly word for word I am not able to say, but that is the tenor of the testimony.

BY MR. BURCH:

Q In taking the testimony you endeavored to get down all the material facts that you had in taking it, I take it? A Yes, very nearly, yes for me I would say that, as it was there was a little variation as to the length of the witness' statement.

MR. MCKENNON: Applicants object to all of the witness' testimony relating to the method of taking the testimony of witnesses at the trial, the character and effect of that testimony, and the manner of witnesses, except so far as the same may be used for the purpose of testing the memory of the witness, because the same is immaterial, irrelevant and immaterial.

R. F. FORNER, being first duly sworn, and being examined testified as follows:

BY MR. MCKENNON:

Q What is your name? A R. F. Forner.
Q What is your age? A 54.
Q You are a physician, are you not? A I am.
Q Where do you reside? A Vinita, Indian Territory.
Q Do you hold any official position in your location? A Yes, I am Superintendent of the Memorial Court of Health, Cherokee National Board of Health, and member of the Legislative Committee of the Indian Territory, and of the American Medical Association, those are some, and the most important positions I hold at this time.
Q Are you a Cherokee citizen? A I am.
Q By blood or intermarriage? A Intermarriage.
Q Your wife is a citizen? A Yes, sir.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.
Q Do you know his general reputation in the community where he resides for honesty and uprightness of character? A I do, I think.
Q Is that good or bad? A It is good.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A About six or eight years, don't know exactly how long; known of him for ten years and personally I have known him about any six or eight years.
Q Do you know his general reputation for truth and veracity? A I do.
Q Is that good or bad? A It is bad.

BY MR. WASHBURN:

Q Mr. Du can belongs to the same church you belong to? A Yes, sir.
Q And has for a number of years? A Well now I say I think he does: I have always so understood.
Q Don't keep up with all your members? A No, but he has attended church there and my impression has been that he is a member of the church.
Q You didn't have any business before the Citizenship Court of which he was clerk, did you? A No, sir, not that I know of.
Q You were not at Tahlequah while he was clerk of a court from 1902 to '3? A I don't believe I was.
Q Never had any business before that Court? A Had no business before them, not while he was clerk to my knowledge.

BY MR. MCKENNON:

Q You spoke of his membership in the church: he is in good standing as a member of the church, is he? A Yes, sir.
Q I will ask you if it is not a fact that his reputation isn't notorious for bad? A Yes, I have understood it.

BY MR. WASHBURN:

Q I will ask you if it was notoriously bad in 1903, when these people employed him to represent them before the Court? A That was before I, I believe of this

Q But so far as you know his bad reputation dates back as far as you know him? A So far as I know him.

G. W. MILLER, being duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A G. W. Miller.
Q What is your age, Mr. Miller? A 81.
Q Where do you reside? A Vinita.
Q How long have you lived there? A Well I have lived there altogether about 13 years I guess, or 14.
Q Are you a citizen of the Cherokee Nation? A No, sir.
Q What is your business? A Real estate and insurance agent.
Q Do you know D. W. C. Duncan? A Yes, sir.
Q How long have you known him? A I have known him twenty years.
Q Do you know his general reputation for honesty and uprightness of character where he lives? A The yes sir.
Q Is that good or bad? A It is good, so far as I know.
Q Do you know Campbell Taylor? A Yes, sir.
Q How long have you known him? A Well I have known him 18 or 20 Years, I guess.
Q Do you know his general reputation for truth and honesty? A Well yes.
Q Is that good or bad? A Well, it is bad, I think.

ATTORNEYS FOR CHEROKEE NATION waive cross examination.

W. H. CURTIS, being first duly sworn and being examined testified as follows:
BY MR. McKENNON:
Q What is your name? A W. H. Curtis.
Q How old are you, Mr. Curtis? A 56.
Q Where do you reside? A Afton, Indian Territory.
Q How long have you lived in the Indian Territory? A 20 years.
Q What is your business? A Lumber business.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A About 20 years.
Q You know his general reputation for honesty and uprightness of character in the community where he lives? A I do.
Q Is that good or bad? A As good as any man's.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A Some 20 years, I suppose.
Q Do you know his general reputation for truth and integrity and honesty? A Yes sir.
Q Is that good or bad? A Bad.
Q Is it notoriously bad? A Yes.
Q Did you ever known Dr. Baker, Dr. A. B. Baker, of Berryville, Arkansas? A Yes sir, I knew him in '68 and '69.
Q There? A Over at Berryville; I ran a saw mill in that country at Berryville.
Q Did you know his general reputation so far as honesty and uprightness of character and truthfulness? A Yes sir.
Q Is that good or bad? A Good sir. Good as any man's; he is a good Christian gentleman.
Q Did you know him well enough to know his habits of life? A Yes sir.
Q Was he in the habit of taking liquor, drinking liquor? A Not that I know, of sir, I never saw him take a drink in my life.

Q Has his character such as to preclude any such charge existing against him? A It has, yes sir.

BY MR. [illegible]:

Q How long did you know Dr. Bakert A Two years.

Q What does he do there? A He has an old gentleman then, he lives right in the edge of Sotryville, Dr. Baker.

Q How old do you think the man is now? A I think he must have been 65 or 70 years old, an old gentleman.

Q That was in '68 then, not A No sir, it was in '68 and '69, the two years that I lived over there.

Q He had gotten [illegible] statement A Yes, sir.

Q Did he have any trouble? A Yes, sir.

Q What family did he have? A I don't know how many family he had, I saw his son-in-law, and the old gentleman.

Q He didn't claim any children with him? A No sir.

Q And his character was never called in question one way or the other was it? A No sir, no sir.

Q Uncle Taylor, you [illegible] Dr. Bakert Prior to ever since you ever knew him, don't do? A No sir, I never knew much good of him.

Q And the fact a man and citizenship came he got Campbell to look it, because [illegible] I mean; that's it ain't it? A Held a great many of them got it.

Q It was a notorious thing that they had a way once they would get it, it would sort of [illegible] to have Campbell around it? A Yes, that would be it.

Q You never knew anything about Dr. Bakert's connection with citizenship matters? A No sir, never did.

Q You never heard about his changing some of the records of citizenship cases? A No sir, never did.

Q You have heard lots of talk about this Dr. Bakert case? A Yes sir.

Q Never has it all around that somebody was doing something wrong? A Yes sir.

Q You never accused him of it you think? A I never heard him accused of it, no sir.

Q Can't ever get out from the first day they were qualified right up to the present? A Well I don't know not from the first day, I have heard it for a good while though.

Q But you never knew who they fixed it on? A No sir.

Q They have been a pretty strong family up there in that country haven't they, pretty large family? A Yes sir.

Q Cast a good many votes up there? A Yes sir.

Q Did you ever know of the Doctor's testifying any in court, Dr. Baker? A No sir, I never did.

Q What would you think of a man who would testify that he knew that was single in 1825 when the youngest of his seven children was born in 1827; what would you think, would you think that was a statement to be made by a man who was truthful? A -

BY MR. MORRISON: Applicants object to the question because it is wholly incompetent, and not based upon any proof or admitted facts in the case, and it is wholly immaterial and incompetent.

Q [illegible] think that was a statement that would be made by a truthful man? A (No response.)

Q You know him in 1868? A Yes sir.

Q He was quite an old, decrepit man? A Yes sir, quite old, [illegible] and lame.

Q 14 years from that time he was liable to be in his dotage?
A I don't know, he was an old man when I knew him.
Q He was too old to work, and retired from business then? A Well he did off a good deal, but wasn't doing any business particular that I knew of.
Q He would have been pretty old 14 years from that time? A Yes, he would be getting old.

D. H. Harris, being first duly sworn and being examined, testified as follows:
By Mr. McKennon:
Q What is your name? A D. H. Harris.
Q What is your age, Mr. Harris? A I am 44.
Q What is your business? A I am publishing a newspaper.
Q What paper? A "The Indian Chieftan."
Q Are you Editor of that paper? A Yes sir.
Q You live at Vinita, then? A Yes sir.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By birth or intermarriage? A Intermarriage.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A 15 or 16 years.
Q Do you know the general reputation in the community where he lives for honesty and uprightness of character? A Yes sir.
Q Is that good or bad? A Good.
Q Do you know Reuben Taylor? A Yes sir.
Q How long have you known him? A Why 15 years or longer.
Q Do you know his general reputation for truth and honesty in the community? A His general reputation, yes sir.
Q Is it good or bad? A Well it is not good.
Q Is it bad? A Well I suppose it must be bad then.
By Mr. Hutchings:
Q Now has Campbell's reputation been bad, Mr. Harris, quite a good while, hasn't it? A Why I think so, yes sir.
Q And it kind of began mostly with this citizenship business? A Yes, so far as I know it did, yes sir.
Q Campbell got so many bad citizenship cases and through the mails, and they finally had him up about it, had a good deal of stir about it? A Yes sir.
Q And some of that stir was sort of occasioned by his helping the Dawsons in ward't it? A I don't know, I don't know whether he helped the Dawsons.
Q Was not that one of the principal cases that brought him into notoriety? A I don't know whether he had that case or not. I know he had a great many cases.
Q That was the principal thing that convinced the Old Campbell out, was citizenship cases here? A I think that is what got him into the most trouble.
Q I say before that time nobody had talked much about Campbell one way or another, and it became pretty general that Campbell was handling shoddy citizenship cases, and he got a bad reputation from that? A Yes sir, I think that was the impression generally.
Q How Mr. Duncan's connection with the Dawson case sort of took hold with; people never talked much about it? A I never heard anything about it, as I know of.
Q You have heard that there was something, now, about the Dawson case, that has been a notorious thing? A Oh it has been a notorious case, yes sir.
Q Tell the fact of Mr. Duncan's reputation for [illegible] been somewhat given by Campbell, he confessed it [illegible] in that?

Q His reputation for truthfulness is somewhat given to stretching; he likes to relate to others that very often himself doesn't but
A I don't know whether I am qualified to answer that.
Q I asking if that was commonly, he does that very frequently?
A To my own knowledge I know of
A Dr. [illegible] a good deal about that sort of thing? A About his
Q [illegible] his own integrity? A I don't remember
Q [illegible] about the citizenship court there in '81 and
A No sir.
Q [illegible] talk that was going on around the
[illegible] A Why no, don't
[illegible] A I was not at
[illegible] A Well, I live
Q Were you there [illegible] A No sir,
never have.

R. L. MILLER, being first duly sworn and being examined testified as follows:
BY MR. HARRISON:
Q What is your name? A R. L. Miller.
Q You are a minister of the Gospel? A Yes sir.
Q M. E. Church, South? A Yes sir.
Q How long have you been in the ministry? A I have been in the ministry 40 years, sir.
Q Did you ever live at Vinita? A Yes sir.
Q How long? A I was there four years, sir.
Q Were you there D. [illegible] A I do.
Q How long have you known him? A I have known Dr. Duncan 21 years.
Q Is your knowledge of his general reputation for truthfulness and veracity good or bad? A Good.
Q You have an opportunity of knowing? A Yes sir.
BY MR. THOMPSON:
Q Mr. Duncan was a member of your church? A Yes sir.
Q And in the municipal war you had of moving in contact with him? A Yes sir, he was a member of my official board.
Q Any connection with citizenship cases that were decided by the court of which he was clerk were never brought up in your presence anywhere? A No sir.
Q [illegible] Alignment? A No sir, I know nothing about the complaints [illegible]
Q You were living about [illegible] A Yes sir, I was Pastor of the Methodist Church in '81 at Tahlequah.
Q Did you hear [illegible] A No sir, I know nothing about the cases; I was not when the convention was in session, and remember that he was clerk of the convention, but knew nothing about the cases that were decided at all.
Q Never heard anybody discuss the cases that were decided? A No sir.

THOMAS A. BRADLEY, being first duly sworn and being examined, testified as follows:

BY MR. MAYNARD:

Q What is your name? A Thomas A. Bradley.
Q Where do you live, Mr. Bradley? A I am 30.
Q What is your business? A Deputy Clerk of the United States Court at Wichita.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know B. F. Campbell? A Yes sir.
Q How long have you known him? A Ever since I was a child, I have known him about forty or fifty years.
Q You know his general reputation for honesty and truthfulness in the community where he lives? A Yes sir.
Q Is it good or bad? A Good so far as I know.
Q Do you know Campbell's record? A Yes sir.
Q How long have you known him? A I think about 15 years.
Q Do you know his general reputation for truth and honesty? A Yes sir.
Q Is it good or bad? A Good so far as I know.

BY MR. MAYNARD:

Q What did Campbell's reputation get a bad reputation? A No sir, I don't know how it was.
Q You never knew him until 1893? A Well I never knew him personally, I heard of him before that.
Q He had a bad reputation back in 1851 A Yes sir.
Q And reputation has remained bad? A Yes I never heard of him [illegible] as a child.
Q But everybody that was on the Nation and knew anything at all knew Campbell had a bad reputation? A Yes sir, even so far back as my age, that is as far back as I can remember; I think I heard him spoken of in 1880. I think that's about the time.
Q And Campbell got a very bad reputation in '80 and '81 when we began to have those citizenship cases? A Yes sir.
Q You heard him spoken of in connection and using the mails for those business? A Yes sir, I heard of his being in the [illegible] Jail on that account.
Q Citizens of the Nation talked a good deal about Campbell's being in those bad citizenship cases? A Yes sir.
And I also heard he had a bad reputation for owing his debts, along about the same time.
Q You don't know whether he had the money, he might not have had the money to pay his debts? A No sir.
Q He could have kept out of bad citizenship cases? A Yes sir, I suppose he could.
Q You never heard Mr. Dawson's name mentioned before in connection with the Dawson case, citizenship cases? A No sir, I don't think I have, I may have, but I don't remember hearing it.
Q General impression that somebody had done something wrong with that matter, citizenship cases? A I heard where was something wrong in connection with the Dawson citizenship case.
Q That has always been in notoriety ever since they were settled? A Yes sir, I have heard it mentioned around over the country that such was the case.

Q There has been a pretty large vein running in the [illegible] was never investigated? A I don't know about that, I don't think it was ever investigated, I never heard of it.

Q So they never had any endeavor to find out the why or what?
A No sir.
Q Where did you live in '67? A In '67 I lived out on Brush Creek about 12 miles south of Yellville.
Q How far from Yellville was that? A About 25 or 30 miles, I guess.
Q You never were around here the Circuit Courts any during that time? A No sir.
Q You don't know whether or not Carroll had a lot of the bad names or not down there? A No sir, I do not, at that time.

BY MR. McKENNON: Applicants object to all of the testimony of this witness as to what he heard by way of rumor, about the character of the Dawson crew, because the same is hearsay, immaterial, irrelevant and incompetent.

A. S. McKENNON, of Counsel for Applicants, being first duly sworn, makes the following statement:

I became a resident of Carroll County, Arkansas, early in 1856. I was fairly acquainted with Dr. Arthur Baker, for many years. Knew him as well as I did anyone else. He was a gentleman of the highest Christian character, as recognized by everybody who knew him. He was a sober man, and never drank liquor. I make this statement here in vindication of that good man's memory than for any other reason, because any imputation against his character is false.

BY MR. HARRISON:
Q How long did you know him? A I resided in Carroll County until 1867 when I removed to Johnson County, Arkansas; during the war I was away from here, but I knew him intimately every year that I resided in Carroll County.
Q Did you know him since '67? A Yes sir, I have seen him several times. I have relatives living in the town in which he lived; my relations to him were such as to cause me always to inquire about Doctor Baker; I knew his reputation I think as well after I left there as I did when I lived there.
Q Did you know those facts in 1896 when you were a member of this Commission? A Yes sir, I have known them all my life as I know them now.
Q Do you know them when you as a member of this Commission passed on the Irene J. House case? A I knew it every day of my life, in 1896 as well as now.
Q Suppose that Doctor Arthur Baker's ex-wife should swear that he was born in the year 1808, and suppose he said when he was 15 or 16 years of age that Anna Pruett the wife of Samuel Dawson, was a grown up girl going to school, when the other undisputed evidence shows that she had married Sam Dawson prior to that time and had seven children, the youngest of whom was born in '37, how would you harmonize that with a man who was an honest man and knew the facts in the case? A Whatever Dr. Baker stated he honestly believed, whether it was right or wrong, whether it was error or truth, he honestly believed it, and stated it as he believed it.
Q He was capable of being in error? A Every man is.
Q I say is that? A Yes sir, just as you and I and every man, he was. I merely stated as to his high character, which could be proven, by every man who knows him, I think, I know it.
Q The Commission rejected Irene J. House in 1896, of which you were a member? A I don't remember anything about that personally.

TESTIMONY ON BEHALF OF DEFENDANT NATION.

DAVID HENDRIX, being first duly sworn, and being examined, testified as follows:

DIRECT EXAMINATION BY MR. [illegible]:

Q. [illegible] A. David Hendrix.
Q. Where do you reside? A. Vinita.
Q. How old are you? A. [illegible] old.
Q. Are you a citizen of the Cherokee Nation? A. Yes sir.
Q. You [illegible] A. I know him personally 3 years.
Q. Did you ever have any talk with Mr. [illegible] about [illegible]? A. Very little.
Q. You were at one time an applicant before the Dawes Commission for citizenship, were you not? A. Yes sir.
Q. Well what, if [illegible] can tell you with reference to his citizenship, if he has, by his actions, if anything? A. Well he told me he came here eleven or twelve hundred dollars to get him [illegible].
Q. Where did this conversation take place? A. At Afton.
Q. At that time? A. He was in '98, maybe '97 or '98.
CROSS EXAMINATION BY MR. [illegible]:
Q. Where were you when he told you that? A. I was working on a House in Afton, building a house.
Q. Where [illegible]? A. [illegible]
Q. Where is [illegible]? A. [illegible]
Q. Where is he? A. At Afton.
Q. What age [illegible] Dawson as that time? A. I don't know. He was very old, probably 75 years old.
Q. You do not [illegible] A. Yes sir.
Q. Hostile [illegible]? A. No sir.
Q. Was he [illegible] A. [illegible]
Q. Did he tell you [illegible] A. I don't know whether he was or regarded as one.
Q. You don't know what he had to do with [illegible] do you? A. No, I judged from [illegible] A. Couldn't [illegible] to get there? Attorney's fees, yes. That is the way I took it anyway.
Q. You were an applicant yourself were you not? A. Yes sir.
Q. Then? A. At that time.
Q. Before the Dawes Commission? A. Yes sir.
Q. They rejected you? A. Yes sir.
Q. You were an applicant [illegible] before the Dawes Commission were you?
A. Yes sir, [illegible] over since.
Q. Are you willing [illegible]? A. Yes sir.
Q. Still trying to get in? A. Yes sir.
Q. Claiming [illegible]? A. Yes sir.
Q. How long have you been living in the Cherokee Nation? A. 15 years.
Q. Where did you come from? A. Indiana.
Q. Claim [illegible] Cherokee citizen? A. Yes sir.
Q. Indian? A. Yes sir.
Q. James Dawson is dead is he? A. Yes sir.
Q. How long has he been dead? A. I think he died probably within two years after that.

TESTIMONY TAKEN ON BEHALF OF THE APPLICANTS.

F. M. DAWSON, being re-called and further examined, testified as follows:
DIRECT EXAMINATION BY MR. [illegible]:
F. M. Dawson? A. Yes sir.

Q Mr. Dawson, what member of your family came to the Cherokee Nation to file and prosecute the claim of your father, Robert Dawson, and the members of his family, to Cherokee citizenship?
A My brother from Texas, Buck Dawson.
Q Tell his name? A Gilbert Dawson, they all know him by Buck.
Q When was that? A In '81 as well as I remember, or '82, I don't know which, it was in '81 or '82.
Q Did you file your client at that time? A My brother was, yes, the application - my brother had Joel Hayes to make it out and file it. That is my understanding.
Q Joel Hayes, who afterwards was Chief of the Cherokee Nation?
A Yes sir.
Q Before what court was that filed? A My understanding was he was clerk of the court; Hastings can tell us what court he was clerk of.
Q He was clerk of the Court at that time? A Yes sir, of the citizenship court, that's my understanding.
Q What was done about the case at that time, if you remember? A I went back home and left my brother down there at that time, that trip.
Q Where did you then live? A I lived at Perryville, Arkansas.
Q When did you next come to the Cherokee Nation? A I believe I came back the next January, that was in September.
Q Was your brother Buck here then? A I don't think he was, I don't remember.
Q Well had he at any term of the Court or session of the Commission at any time after you first came here and filed the application until after it was decided? A No sir, I never met him any more until that case was decided.
Q You conducted the business then after that did you not? A Yes sir.
Q The case was finally determined in January 1883? A '83, yes sir, the 11th day as I remember.
Q Were you present at that session? A Yes sir.
Q Was there any decision of that case other than the one of record here? A I never heard of it if there was.
Q Was the judgment rendered in that case as recorded in the record Book of that Commission now in the custody of the Dawes Commission the only judgment that was rendered in that case so far as you know?
A Yes sir, so far as I know, if there was any I never heard of it in that case.
Q You then know of no decision against you in the case? A No sir.
Q Who was your attorney employed at the beginning? A I employed A. E. Norwood.
Q Was he a Cherokee Citizen? A Yes sir, I think so.
Q Where did he live? A At Claremore, by understanding.
Q Was he present at any time before the Commission? A I never saw him, he never met me there before the Commission.
Q Did you pay him any money? A Yes sir.
Q How much? A Fifty dollars.
Q Did he ever render any services? A If he ever did I never knew it.
Q Well then who did you employ? A My brother employed Joel Bryant.
Q Was he a Cherokee citizen?
A That is my understanding.
Q Was he not a prominent Cherokee citizen? A Yes sir.
Q What service did he render? A Well sir, I don't know whether he rendered any or not, only he met me a time or two at Tahlequah, and he was before the Commission; whether he rendered any services

or not I don't know; he was generally always at Washington City during the term down there.
Q Well what did he do about it? A I don't know, I couldn't say what he done anything about it. That is Mr. Bryant, he was always gone.
Q What next was done about the employment of an attorney? A Why I got a letter from Joel Bryant that he was going to Washington City and for me to come down in January term and Campbell Taylor would set to my hair before the court.
Q Did he say that he had engaged the services of Campbell Taylor the attorney, to attend teit in his absence? A Yes sir, in his absence.
Q Have you got that letter? A I don't think I got the letter.
Q Well what did you do then? A Why when the time come I come down on the city to Pascagoula here and I come over from here to Fort Gibson and I come down to see Uncle Houston Bonge and stays all night with him; it was very cold weather, and I got him to go over and submit my case to the court; I went over one day and the next day Uncle Houston Bonge come over and the next morning after he come over the case was submitted.
Q Did he submit the case? A Yes sir, he told me so.
Q For you? A Yes sir.
Q Were you present? A I was present until they went to take the vote on the case and then we was drove out of their room and they had a secret session, actin' on the case.
Q Was Houston Bonge present with you? A Yes sir.
Q Were you in the court when he submitted it to them? A Yes sir, when he made his argument.
Q He made an argument before the Commission? A Yes sir.
Q Was the decision rendered on that day? A Yes sir.
Q How long after he made his argument and submitted the case? A Was not but a little bit; when we were drove out of the house the first time before they went into secret session they wanted me to get up the cigars to the court and the crowd in the house; after the decision was rendered then I was to get up the cigars, and everybody come to me and told me to go and get the cigars and I done so.
Q And you took the cigars there and all? A Yes sir, everybody, the attorneys and all that was in the house, all had a cig smoke.
Q Did they then announce their finding in the case? A Yes sir, they told me that I was granted my citizenship right and by the Commission.
Q What did you do about it then? A Why the Clerk wrote me out my certificate.
Q That same day? A That same day.
Q What arrangements did you make with Mr. Bonge about his fee, and what was the amount of his fee? A There was no arrangement made until we got up there and he submitted the case; then he wanted me to pay him, he charged me fifty dollars, that was his fee.
Q What was the agreement about the matter, the manner in which that fee should be paid? A My brother in Texas was to pay it.
Q Were you to write or was he to write? A He was to write for it.
Q Did your brother in Texas ever pay his fee of fifty dollars?
A Yes sir.
Q Was that all that was to be paid? A All that I was to pay him for his charges.
Q You heard his statement when he gave his deposition at Fort Gibson the other day did you not? A Yes sir.

Q He there stated that you paid him fifty dollars before he went over to Tahlequah, did you do that? A No sir.
Q Or he has stated you paid him fifty dollars after he got over to Tahlequah, did you do that? A I never paid him a cent in my life.
Q After this judgment was rendered where did you go to? A I went back home to Arkansas.
Q By what route? A I went by Gibson Springs and on by Spring Dale and I went on to Rogers, took the railroad there and went on by Siloam and by Gibson Springs home.
Q You then did not return to Fort Gibson with Mouste Benge, as he stated? A No sir, I did not.
Q Why did you not return by way of Fort Gibson? A Well I thought maybe the others was the cheapest road and struck a hack going out by Sam Stubles where I was boarding at, I go to go to Siloam Springs and I went by that route and then there was a hack going by Spring Dale, that was the most direct route.
Q That was the most direct route from your home was it not? A Yes sir.
Q And the cheaper? A And the cheapest route.
Q Had you been coming back to Fort Gibson you would have been going directly away from home would you not? A Yes sir.
Q Your home was nearly east, due east of Tahlequah was it not? A Yes sir, little north of east, pretty near due east.
Q While Fort Gibson is almost due west is it not? A Southwest.
Q You heard him at the time that you went to Fort Gibson with him, and he your self stated to him that the way to reach that court was through Benton and you reached this through Duncan with five hundred dollars, did you make that statement? A I never did, I didn't have the five hundred dollars to pay him.
Q Did he while at Tahlequah inthe court room on the evening before this judgment was rendered in your favor, tell you that the court had rendered a judgment against you? A No sir.
Q And did you then say to him, you must fix that? A I had no such conversation with him.
Q Did you pay to D. W. C. Duncan, who was the Clerk of the Court any sum of money, or agree to pay him any sum of money, directly or through any other person for any services he might render you by way of influencing the court to decide in your favor? A No sir.
Q Or for any other purpose? A No sir.
Q Did you pay him any money after that through Campbell Taylor? A Yes sir.
Q What amount? A 20 or 25 Dollars, I don't know which it was.
Q State what that money was paid for? A For a claim.
Q What do you mean by a claim? A Claim on the public domain; he had a claim up there close to me; paid him 20 or 25 dollars for his claim he had up there by me, on the Cherokee Public Domain.
Q What did Campbell Taylor have to do with your case?
A He had nothing to do with it.
Q Did you agree to pay him any money for his services as an attorney? A No sir.
Q Did he perform any services in that case foryou as a representative of Mr. Bryant? A No sir.
Q Did you pay him any money? A Yes sir.
Q On what account? A He come to me and said he had the claim against me for Joel Bryant and wanted me to pay him the money and I done so.
Q What amount? A Hundred dollars.

Q For [illegible] ? [illegible] Joel Bryant.
Q Did he pay it to Joel Bryant, or did you? A Joel Bryant paid it, he didn't, and he had to pay this again, paid Joel Bryant five hundred dollars altogether. Dr. Dumont paid Joel Bryant, after that; he never could get it away from Campbell Taylor, only like twenty dollars or twenty-five dollars; that is all I ever got out of him.
Q How did you get that 25 dollars out of him for Dumont? A I kept after him and talked him to pay that money back to me, he rendered no services to me at all and the money was to go to Joel Bryant, and I finally worked out the twenty or twenty-five dollars, that is all I ever did get back.
Q The amount that he paid to Dumont? A Yes sir.
Q Was this money paid to him, this one hundred dollars, while you were there at the time the judgment was rendered, or was it sent to him afterwards? A I think it was paid then, as well as I remember about it.
Q You think it was paid then? A Yes sir, that's my recollection now.
Q Did you send him one hundred dollars after you went away from there, subsequent to the rendering of that judgment, after it was rendered I mean, directing him to pay fifty dollars of that or any other sum to Dr. T. S. Dumont? A No sir.
Q Did you send him a second one hundred dollars with such direction? A No sir.
Q Mr. Haynes, do you know about what it cost you finally in all to obtain this allowance in the Choctaw Nation under this judgment? A Pretty near it I do.
Q Tell about what was? A About five hundred dollars, pretty near 500 dollars. That is what I considered, I was beat out of some of my money, what I was beat out of and expenses.
Q Now take a statement of what that money was paid for as now, so far as you remember, itemize that now? A Well the first fifty dollars Norwood got; the next fifty dollars Hayes got; that was the attorneys fees; I speak of the attorneys fees now; the next money was the hundred that Campbell Taylor got; the next attorney fees was Bryant's one hundred dollars.
Q Was that all the attorney's fees? A I think it was, no, wait, I paid Ross 15 dollars for taking Baker's deposition.

Q Which Ross was that? A The old Chief, Will Ross I think is his name, William P. Ross.
Q He then, this Chief William P. Ross for taking the deposition of Dr. Baker charged you fifteen dollars? A Yes sir.
Q Do you mean by that that he acted as your attorney and examined him? A Yes sir.
He examined him before the Commission, took his statements.
Q What other attorneys were there present? A None of this was present.
Q Well now, go on? A For the expenses of taking Dr. Baker and he was a Doctor, as well as I remember he charged us 5 dollars a day and I bore mine and his expenses down there; we come through on a hack from Perryville, Arkansas, to Tahlequah, and our board and expenses added I think was about 75 dollars that trip; something near it. Maybe a little over that.
Q Did you pay him per diem? A I paid him five dollars a day for his time and then his expenses.

Q Well? A Well I made several trips out here at different times, to Tahlequah before the Commission, and back, three or four trips as well as I recall now, cost me 20 or 25 dollars each trip, as I remember about it.
Q Do you remember how many trips beside from the one in which you brought Dr. Baker? A No, I think there was probably three trips I think it was, maybe more, and then I made one trip to Claremore to see A. H. Norwood.
Q When did that trip cost you? A I don't remember what it cost; I went in a wagon and a hack there.
Q You went through and employed Benge, went by railroad; what did that trip cost you? A I don't remember what it was, whether it was 21 dollars or 31 dollars, one of the other, I don't remember which it was; Joe Dawson, my brother give me the money, it was either 21 or 31 dollars.
Q Now then is there any other expense that you know of that was paid by you or your family, any members of your family, other than that you have mentioned? A I don't remember any other now; I can't call to my memory right now.
Q What was the condition of the members of your family generally now, financially, at that time? A Well we were considered poor people; I don't know, we didn't have much money, scarcely any.
Q Was there any one of them that was better off than the others, and if so, which one? A I suppose Elbert Dawson was better off than the others, Buck Dawson.
Q Do you know how much Buck Dawson paid of these expenses? A I don't think he paid, he paid the Benge debt and the Bryant debt, I think it was.
Q That is one hundred and fifty dollars? A Yes sir, then he came up on one trip and taken more evidence with Joel Bryant when Joel Bryant was Clerk of the Court before this Tehee Court, I don't know what that cost him.
Q Came up he said took out testimony? A Yes, came up and went back to Texas. Filed his claim and took some testimony and went back to Texas and I didn't see him.
Q Did that testimony include Dr. Baker's testimony? A No sir.
Q You know how many witnesses were examined then? A I only know what he told me.
Q How many? A Four witnesses.
Q You know whether they were residence of the Cherokee Nation or not? A He told me they was.
Q Were you present on that trip in which he came there and took that testimony? A No, I met him there and then I went back home and left him at Tahlequah.
Q He had taken the testimony before you left him or afterwards? A He taken it afterwards; that was my understanding.
Q Did Buck furnish only the one hundred fifty dollars that you now remember? A I think it was.
Q And the expense of taking these witness up there A Yes sir.
Q Who else furnished money now of the members of your family? A My brothers and father lived down in Perryville, Va and my brother-in-law, Blankingers, we all chipped in together a few dollars from each family.
Q You heard the statement of C. C. Brought that in June 1363 you told him that it had cost you 700 dollars, did you make any such statement to him? A I never did.
Q And that you paid one witness 300 dollars? A I never made any such statement.

Q Did you pay any witness any such sum? A No sir, I paid Dr. Baker for his time; he said his time was worth $ dollars a day, and I paid it.
Q Did you pay any other witness any more than that? A No sir, he was the only witness I had down there in my case.
Q Well the Robert Dawson case? A Yes sir.
Q He says that you told him this in your house there on your place, did you have any house there in June 1883? A I was not living on my farm at that time.
Q Did you have any farm? A Didn't have any.
Q Then did you build a house there? A I built a house on the farm I live in now by Mr. Wrought, I moved on the farm the last of July, 1883, and I camped in my wagon.
Q What did you do? A I went to the timber and cut poles and hauled them out and made me a log cabin on the place by a spring near Mr. Wrought.
Q About what time did you finish that house? A I was in September.
Q How long after you finished that house until you brought your family out? A I finished it up and got it covered and the floor in it but I went back to Eureka Springs after my wife.
Q What family did you have then? A I had my wife and she had one child; but my oldest children, by my first wife were with me in the Territory, camping with me; three little boys and one girl were with me, and one girl back in Arkansas.
Q Are you and C. O. Brought on good terms? A No sir.
Q What has been the character of the trouble between you? A Trouble over our places first one had it.
Q When did it begin? A As soon as I got back from Arkansas he commenced hinder crowding me out to the edge of my farm away from me, and we have been in a racket ever since.
Q Then his statement that you were on friendly terms, is it correct or not? A No sir, it aint correct.
Q He and you have never been friendly as neighbors then since you first came back from Arkansas and settled in the Territory? A I don't remember ever being in his house; I never was in his house.
Q Have you had law suits with each other? A Yes sir.
Q How many? A I don't know that we had any particular law suits, but I have had law suits and he has been a witness against me.
Q What was your last trouble with him, when I mean? A Along last fall.
Q That was when your boys had a little racket and he had your boy arrested? A Yes sir.
Q What was the age of those boys? A Eleven years old.
Q He had him arrested down at Vinita? A Yes sir, had him arrested and carried before the Commissioner at Vinita.
Q He was discharged on account of his age? A Yes sir.
Q Buck Dawson is dead is he? A Yes sir.
Q How long has he been dead? A Three years, little over three years.
Q And James Dawson is dead? A Yes sir.
Q Is your father, Robert Dawson living? A No sir.
Q When did James Dawson die? A I don't remember, been dead several years, I don't remember how long, 6 or 7 years, I couldn't state.
Q When did your father, Robert Dawson die? A I believe it was in 87 as I remember now, I wont be positive.
Q Had all these moved to the Cherokee Nation before their death? A No sir, father died in Arkansas.

Q Those that lived here in the Nation they lived here in the Nation but went back to Arkansas and died there? A Well the rest of my folks all lived here. That was James Dawson and Buck Dawson.
Q Robert Dawson, your father, never did move to the Territory, did he? A No.
Q Did you hear the statement of the witness Beavert this morning, that about the time of hearing of the James Dawson case, at a negro church at night James Dawson came down there with someone else was introduced to him, and he loaned him ten dollars; did you hear that statement this morning? A I heard the statement, yes sir, I heard it.
Q He says that man James Dawson was 35 or 40 years old; was there any James Dawson living belonging to your family at that time of any such age? A No sir.
Q How many James Dawson's were there belonging to your family? A There was my Uncle James Dawson and a brother James Dawson, the Doctor here.
Q How old was your brother James Dawson then? A He was a tolerable old man, I don't know his age.
Q About what age? A Must have been 60.
Q Between 60 and 70? A Yes sir.
Q What was the age of your brother James? A At that time?
Q Yes sir, in '84? A In '84 I suppose he was about 18, some-thing like that.
Q Had he anything to do with the James Dawson case? A No sir.
Q Was he present at the time that the James Dawson case was under consideration? A No sir.
Q Was James Dawson, your uncle James Dawson, present at any time during the consideration of his case? A No sir.
Q He never was present? A No sir, if Uncle Jim Dawson was ever in Tahlequah I never knew it.
Q Who conducted the prosecution of the James Dawson case before the Cherokee Citizenship Commission, who conducted it? A The James Dawson case?
Q Yes sir? A I think James Low and Bill Jackson and Campbell Taylor.
Q Were you acting with them? A Yes sir.
Q They employed Campbell Taylor? A Yes sir.
Q Then there was no James Dawson present during that session of the Commission? No sir.
Q What was the condition of James Dawson's health at that time?
A It was pretty poorly; was not good.
Q Was he at that time able to get about and attend to business?
A I don't think he was.
Q Was he not a very feeble minded old man at that time? A Yes sir.
Q Regarded as rather a silly man was he not? A Yes sir.
Q Did he attend to any kind of business of the family at that time?
A No sir, didn't.
Q What was his financial condition? A Pretty bad.
Q Did he have any money? A No sir.
Q Did he have any property? A None hardly at all; horse probably, or a cow or two, something that way.
Q Was that about all the property he had? A Yes sir.
Q How about the other members of his family that were admitted at that time; what was their financial condition? A They were in poor circumstances.
Q Now then after these judgments were rendered what members of your family removed to the Territory, Cherokee Nation, I will say?
A Robert Dawson and family and James Dawson and family, that is, them and their children.

Q Robert Dawson didn't remove here? A No, I said except Robert Dawson.
Q Did all the members of Robert Dawson family move here? A Yes sir.
Q Except himself? A Yes sir.
Q And all the members of James Dawson family? A No, not all the members, Melvina Low I don't think ever lived here.
Q She has never moved here? A No sir.
Q Well all the members of your family, your father's family included in that judgment of the Committee, rendered January 11th, 1883? A All but one.
Q That was the name of that one? A Edna.
Q A daughter? A Daughter of Robert Dawson.
Q Your sister? A Yes sir.
Q Was she then of age or was she a minor? A I think she was a minor, as well as I can remember.
Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.
Q By a Commission or by the Cherokee Council? A She was first admitted by the Spears Court, her and two of my neices.
Q What are their names? A Katie Vernon and Verna Fishback.
Q What became of that? A The certificate papers they got was lost, and they went before the Council in 1894 and they was readmitted back by the act of Council.
Q That was in 1894, the Cherokee Council admitted, re-admitted as they called it, the three above named? A Yes sir. Mary and Verna Fishback and Katie Vernor, they have now the same names now except Vernor, it is not, Tob Robinson married the widow, a neice of mine.
Q Now then was there any other consideration of the Dawson case by the Cherokee authorities at any time aside from these two judgments in '87 and '84 admitting the two families of Robert and James Dawson, and the act of Council of '94 admitting these three whom you have just named? A Yes sir.
Q When? A My two of my sons was placed on the roll by the act of Council in 1892 I think it was; left off of the rolls in per capita payment and they was placed on the rolls I think, and Sam NightHugh member of Council, got their draft or checks for the money.
Q Have you got that copy of the act of Council admitting them?
A Yes sir.
Q Where is it? A (Produces papers.)

BY MR. McKENNON: We offer in evidence an act of the Cherokee National Council making an appropriation of 20,000 dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount set opposite their respective names, provided that the principal Chief shall draw warrants for such amounts, and further provided "That the names of the persons appearing on the per capita rolls in this act shall be placed (on) the authenticated roll of 1880 by the Principal Chief."
This act was approved December 21, 1891.
Approval signed by Stephen Tenee, Assistant Acting Principal-
In this list appear the names of William H. Dawson for payment of $13.70, and of Marion Dawson, for a like sum. Are these now the names of two of your sons? A Yes sir.
(This paper above introduced, is filed and made a part of the records in this case.
Q Was there any other action of the Cherokee authorities relating to members of your family? A Yes sir.

Q When? A In 1894.
Q What was that? A Allowing them their strip money.
Q Have you a copy of that? A I think I have. (Produces papers.)
BY MR. McKENNON: We offer in evidence a duly certified copy of an act of the Cherokee National Council approved November 24, 1894, signed C. J. Harris, Principal Chief. Senate Bill No. 19, appropriating a sufficient amount of money to make payment per capita of what is known as the strip money to certain persons named therein. Among that are members of the Blessingame family, as follows: Jane, Elbert, Henry, James Ross Lewis, Pearl, Amos, Myrtle, Winnie and Clifford; this act mentions these persons as Cherokees by blood, and whose names had been left off the pay roll approved May 3, 1894, providing a payment to each one of these a sum of $285.70.
Q Were these members of the Robert Dawson family? A Yes sir.
Q Which one of the members of the family? A Jane.
Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.
Q And her children? A Her children, was not admitted, she was admitted.
Q I mean this mentions her children here? A Yes, that mentions her children.
(The paper last above introduced is filed and made a part of the record in this case.)
Q Do you know whether the payment of the Cherokee Strip money was to Cherokee citizens by blood only or not? A Yes sir.
Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A My the Douthett children, my brother's grand-children. Two grand-children of E. Dawson.
Q When was that? A That, I think it was in 184.
Q Have you got a copy of that act? A No, the record is here.
Q Was that by the Spears Court? A Yes sir, by the Spears Court.
BY MR. McKENNON: We now offere in evidence a judgment of the Cherokee Commission on Citizenship, 1880 and 1884, found on Page 190, case No. 181, dated September 9th, 1884, signed by Eli Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Lula Douthett and Dallas Douthett as Cherokees by blood.
Q These now are the Douthetts to which you refer, are they? Yes sir.
BY MR. McKENNON: Attention is called to the fact that the names of the Commissioners are all signed in the same hand-writing as the record of the judgment.

The said judgment record above introduced, and found on page 190, No. 181, record of 1880 to 1884, is as follows:

"Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, September 18th, 1883.

E. Dawson, for his grand-children,
No. 181.
Lula Douthitt,
Dallas Douthitt,
vs
The Cherokee Nation.

C. B. Taylor,
Atty for Claim.

Petition filed September 14th, 1883.

Case submitted by claimants Sept 14th., 1883.
Case submitted by Solicitor, Sept. 18th, 1883.
Continued by Petitioner Jan 22 1884 to September Court 1884.
Re-submitted September 2nd 1884, by Attys Taylor and Seavert

Submitted by defense Sept 9 1884.

And now on this the 18th day of September 1884 comes this case for final hearing and all the evidence in the case having been carefully read, and considered by the Commission on Citizenship it has been decided by the Commission that the above named Lula Duthett and Dallas Duthett are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

Eli Sparks, Jr a.
John Lee,
John L. Adair, Andrew Young,
Clk Com'n. Commission on Citizenship."

Q Now were there any other actions of the Cherokee authorities of like character relating to the members of your family?
A I don't remember of any others.
Q I will ask you if when the Cherokee authorities were making the roll of 1896, in compliance with the request of the Dawes Commission for a roll to be prepared by them for the use of the said Commission, the question of the citizenship of the members of your family was not then raised and an investigation had in regard to it? A Before the Dawes Commission?
Q No, before the Cherokee Commission making the roll of 1896, of which John T. Gunter was a member? A Yes sir, yes. I had forgot it, but since you have named it there was some investigation of them at that time; this is what I understood.
Q That roll shows that the members of your family were duly enrolled by the Commission? A Yes.

Q Have you and the other members of your family since your removal to the Territory in 1839 and immediately following been recognized as Cherokee citizens by blood? A Yes sir.

Q Have you been exercising and enjoying all the rights of Cherokee citizens by blood since that time? A Yes sir.
Q You and all the members of your family are living in the Cherokee Nation? A Yes sir.
Q You have all drawn Cherokee moneys whenever payments were made? A Yes sir.
Q And have you all said members been voting at the Cherokee elections or in the Cherokee elections? A Yes sir, I was one of the judges of the elections that was held voting on the treaty.
Q What treaty? A The treaty bill that was sent back here for the Cherokees to vote on; I was one of the judges at Afton.
Q In what year was that? A I believe it was last spring some time, last April.

Q Have any of you held any offices in the Cherokee Nation? A Yes sir.
Q What offices have the members of your family filled? A Deputy Clerk, under Pete Hastings, when he was clerk of Delaware District, I was a candidate once for Council in the Downing party.

Q Can any office of deputy clerk be held by any one else except a recognized citizen? A Only by a citizen, yes sir.
Q Is that all? A (No reply).
Q Have the children of members of your family attended the Cherokee schools, and been educated in Cherokee schools? A Yes, sir.
Q Have the members of your family been all the while subject to the jurisdiction of the courts of the Cherokee Nation? A Yes sir.
Q Have they been tried for any offences against the laws? Yes sir.
Q And have they instituted their civil suits in the courts of the Cherokee Nation? A Yes sir.
Q And had suits instituted against them in such courts? A Yes sir.
Q Some of those cases have gone to the Supreme Court of the Cherokee Nation? A Yes sir.
Q And were passed upon by that tribunal? A Yes sir.
Q Is there anything else? A Nothing now; I am sick this evening; I have got the head-ache so bad I can't hardly see.

BY MR. HUTCHINGS:

Q How old was your father, Robert Dawson when he died? A I don't know, I couldn't say or that.
Q He was a very old man? A Yes sir, he was getting tolerably old.
Q Could you tell how much older he was than you? A No I don't know.
Q Mr. Jay Bird Dawson in 1864 must have been a very old man, mustn't he? A Well he was old and he was feeble.
Q Well you state that he had been sick; was he naturally that way? A He used to live in Texas; I didn't know him until after he came to the Territory.
Q I say he had gotten old, that was the occasion of their A I suppose so, the oldest one of these children was Mrs. Betty Petty, that's my understanding.
Q And the oldest boy was John Dawson? A We always called him Jack.
Q Jack Dawson he was the oldest? A Yes sir.
Q Sam was the youngest? A Sam Riley.
Q He was the youngest one of the crowd? A Yes sir.
Q Your father lived four or five years after he and you were admitted to citizenship? A Yes sir, something about that, it was in 1883, I think he died in 1887, I wont be positive; that is as near as I remember now. I have got a headache so bad that I can't remember anything.
Q He now none of the older members of the family were ever present at any of these trials of citizenship? A No sir, not a one of them was.
Q Not a one of them was ever called upon to testify as to the blood of their mother, who she was or anything about it? A I don't think they was.
Q Your claim of kinship was through Captain John Rogers and that your grandmother was the half sister of Big Joe Vann, wasn't it? A I don't know, I couldn't answer the question.
Q You were there when they took the testimony? A I was there when Dr. Baker's testimony was taken, that was about 16 years ago.
Q And nobody kin to the Rogers and Vanns was ever called to testify in the case? A Not as I know of.
Q They were very well known Cherokee families in the coun try?
A I suppose so, I don't know.
Q And yet nobody on any side of the family connected with it was ever called to testify? A Not that I know of, I don't know that my brother Sam, he taken some of the evidence at Tahlequah when I was not there; he first filed his claim.

Q You had spoken to Dr. Baker about the testifying before you brought your case didn't you? A No sir.
Q What have been a short time afterwards? A It was short time afterwards. I went back after him and it was too late and I fetched him the next time.
Q You had talked to your brother about [illegible] Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our folks.
Q You had told him in general way you expected to use Dr. Baker as a witness? A Yes sir.
Q You went off, came to Arizona and left your brother at Tahlequah after you told him that fact? A Yes sir.
Q You didn't see your brother any more until after you were admitted? A No sir.
Q You and he however made trips back and forth to Tahlequah and here at different times, but you didn't happen to get together? A No. I never met him any more and I don't know that he was there until after we were admitted.
Q But you were there and brought Dr. Baker over? A Yes sir.
Q And took his testimoney a year or such a matter before ever you were admitted? A I think as well as I remember, yes sir.
Q How the way you came to get Campbell Taylor was on the recommendation of old man Bryant? A I didn't get him, didn't use him.
Q The way he came into your case? A The way he claimed to come in.
Q He did more in your case than Bryant did? A Campbell didn't do anything.
Q What did Bryant do? A I think he help my brother take evidence my brother employed him.
Q How did you happen to be sending money by Campbell to Mr. Duncan? A I never sent him any money.
Q Then when he, Mr. Duncan, states that Campbell delivered the money as Campbell said he did, was he wrong? A Oh no, you are mistaken, Mr. Duncan got 20 or 25 dollars, which he stated, from Campbell Taylor, for me.
Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryant, he wouldn't do it, and I tried to get the money back from him, and I finally got the 20 or 25 dollars he gave to Duncan.
Q Then you didn't tell Mr. Duncan as he testified that you sent 20 or 25 dollars by Campbell Taylor? A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for me and the money I give him to give to Joel Bryant.
Q The family kept Campbell Taylor employed though as their attorney after that? A In the James Dawson case I think so.
Q E. Dawson, you remember, had him for his grand-children? A That is my understanding.
Q And your uncle James Dawson had him in the case of his children? A Uncle James had nothing to do with it; James Lo[illegible] and Bill Jackson got him; that was my understanding of who employed him.
Q The record here shows that the case was originally instituted by C. E. Taylor and was finally submitted by him September 2nd, 1 84, in the James Dawson case? A I don't deny him being in that case.
Q You say he was employed in the E. Dawson case? A I don't know who was in the Dauthett children's case.
Q The record shows that Campbell Taylor instituted the case, and it was finally submitted by him, and Mr. Bennett, who testified a while ago? A That was in the [illegible] wasn't it?
Q That was in the E. Dawson case, wasn't it? A Elbert?
Q No, in the Dauthett children's case? A Oh yes.

Q He was likewise attorney in the Mary Dawson case was he, and before the Adair court, the 4th of October, 1907, in the case of James K. P. Dawson? A I don't know anything about that.
Q And the case likewise of Riley Dawson? A I don't know anything about those.
Q They are relations of yours? A Well I couldn't say.
Q James K. P. Dawson proves to be a son of Riley Dawson? A Well if he is he is my connection then. There are so many Dawsons I don't know them all.
Q You knew Andrew J. Dawson? A Yes sir.
Q The Dawsons have so many children their brothers didn't hardly know them did they? A That's it, I don't know them.
Q Well then you don't know who Andrew J. Dawson is? A No sir, I don't know.
Q He refers in his application as being a cousin of E. Dawson, and yourself, who were admitted to citizenship by the Tehee Court? A He may be, I don't know nothing about it.
Q He resided I believe, at that time at Nevada, Missouri? A I don't know anything about them people.
Q Old Tom Baker was an old and paralyzed man at the time he testified wasn't he? A Getting old, he was not paralyzed.
Q Then the statement made that the reason he couldn't write his name and had to make his mark, because he was paralyzed, in the testimony isn't that true? A He didn't have good use of his fingers.
Q Then he was not paralyzed? A No, I brought him over there in a hack from Berryville, Arkansas.
Q Well I say he was a very old man? A Yes, getting old.
Q Now didn't you come to this place and then joining Brought's and work on it some time before you brought your family? A No, I brought my family with me, except my wife.
Q And you subsequently built a log house on it? A Yes sir.
Q And went back and got your wife and moved them to the log house? A Yes sir, went to Eureka and got my wife.
Q You never saw your grandfather at all? A Sam Dawson, yes sir, I saw him.
Q You remember do you of being with him much of any at all? A I was in Texas in time of the war, with my uncle Riley Dawson, and he was there.
Q In '60 sometime? A '63, I reckon, or '64. Somewhere along there, it was in time of the war.
Q How old a man was he at that time? A Pretty old man.
Q You never saw your grandmother, she died before she came?
A Yes sir, I never saw her at all.
Q Who first started the citizenship matter, your brother in Texas or you? A Why it was me, and my brother together.
Q I mean who first conceived the idea? A I first commenced talking about it.
Q And sent down for him? A I was in Texas with him and then in Arkansas; I went backwards and forwards a time or two after that.
Q About that time nearly everybody in Arkansas were trying to get some claim of kinship to Cherokees? A No sir, not at that time.
Q They were getting pretty thick in there in 1906? A Well in '04 and '4 and '5 I think.
Q Been some excitement over there to get yourselves on the rolls?
A Just got to be everybody; but it wasn't at one time we admitted there was not much stir about the rights here.
Q Well the Watts had been admitted before that? A I am sure they had; there was not much excitement over the Watts claim at that time.

BY MR. HASTINGS:

Q You did locate and board with Sam Shables when you first came to Tahlequah in 1871? A I think I did.

Q Your brother Buck Dawson stayed there also? A Yes sir.

Q Sam Shables lived in the north end of town, old Ferran? A Yes sir, old Jordan lived in the lower part of town.

Q Did you ever hear the names of any other witnesses which you stated perhaps testified in your case? A I have heard that but I have forgot them.

Q You don't recollect any name now? A I dont remember them now sir.

Q In the Irene House case and Joanna Barber case, in which you testified before the Commission, when you were making search for this testimony you couldn't find any other testimony from that of record except the Dr. Baker testimony, could you? A That's all we could find: no we didn't find the testimony, we got a copy.

Q Well it must have been a copy of the original, the certificate shows that? A I don't know; House got a copy of what claimed to be the affidavit of Baker and he told me to give it to him: that is all I know about it.

Q Well the certificate there does not bear my certificate does it? A I don't know about that, I am no scholar.

Q Well you didn't get the testimony of any other witness except that of Dr. Baker; you couldn't find any other over there of record? A I didn't hunt for any; House hunted for them.

Q None of you have ever been able to dfind any others? A No. Not even find our petition.

Q Samuel R. Dawson applied to what is known as the Adair Court, didn't he? A I don't remember now.

Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.

Q The father of these two parties who testified here this morning? A Well I don't know, they claimed to be, I never met them to know them.

Q He was rejected by the Adair Court, or Hayes Court? A I don't know whether he filed his petition.

Q Did you testify in his case? A I don't remember; I might have dont it.

Q Didn't you testify in the Andrew J. Dawson case before what is known as the Hayes Court? A I don't recollect, if I did I don't remember.

Q Did you testify in the Riley Dawson case? A No sir, now that I remember.

Q Didn't you know of his being rejected by that court? A I don't remember, sir.

Q You know that the Cherokee Council never authenticated the roll of 1880, don't you? A No sir, I don't know it; I didn't know this was done until I went to Tahlequah after some papers and came back and they told me about it.

Q You never found out that C. H. Taylor was a big rascal up until the present time have you? A (No response)

Q The records here show that he has been in the constant employment of your family from that date up to this time? A Why it shows here from the record: I would rather be excused for my part of it.

Q You were the man that had most to do with it? A I never employed him, I own my that.

Q You are the man that had most to do with the records? A In my case and in my father's case.

Q Didn't you testify for your uncle Jim Dawson? A Yes sir.

Q Wasn't he attorney for him? A Yes sir.

Q Wasn't he employed by Mr. Dawson after you got your citizenship?
A Why not but the grandchildren.
Q His son's petition was filed in September 1903, after yours?
A Yes sir.
Q C. H. Taylor, attorney of record, filed his petition? A He might have filed it for all I know.
Q Well you hadn't at that time fallen out with C. H. Taylor had you? A Why no, we never did have any trouble, only over this money, he never would give it back to me or give it to Bryant.
Q You never discovered that he was such a bad man until after your judgment was rendered? A I know he was not of good character.
Q Are you and Brought, this man who testified for the Cherokee Nation, on speaking terms? A Hardly ever.
Q Does he refuse to speak to you? A Sometimes he does.
Q Do you refuse to speak to him? A Yes sir.
Q Have you been speaking to him for the last two or three months? A I have not spoke to him until I met him here at the hotel the other day.
Q First time you spoke to him since he had the boy arrested? A Yes sir.
Q When did he have the boy arrested? A Along in September or October, September I think.
Q When did Mr. Baker die? A I don't remember.
Q You don't remember how much older your father was than you?
A No, I don't know.
Q What is your age? A I will be 60 in May.
Q Then you were born in '42? A Yes sir, '42 according to the record.
Q Was your father as much as 25 years old when you were born?
A I couldn't say.
Q What was your best judgment? A I suppose he was 20 or 25 years old. My understanding he married young.
Q Can't you give any better idea than 4 or 5 years of your father's age? A I say 25.
Q Your father was born say, 25 from 42 would have made him be born in 1817; now had your father any older brothers or sisters? A I think Jack Dawson was the oldest of the family, no, Betty, the girl, was the oldest and Jack next, and then my father as well as I remember about it.
Q There were two girls older? A No, one of the girls I never saw.
Q Then you think there are only 2 older than your father? A Yes, that's my understanding of the family.
Q Mr. Baker gives his age 73 in '82, which would make him be born in '89, now he states that when he was 15 or 16 years old, which added to 1808, will make 1824, that your grandmother Anna Priest, was a school girl; whereas from your testimony and that of the family history introduced here shows that your grandmother Anna Priest was the mother of seven children, the youngest being born in 1822, how do you reconcile that? A I don't remember about the statement of Mr. Baker; I don't know that he made such statement as that, I don't remember about it.
Q And if he did you don't know how to reconcile it? A (No response.)

Q Did you talk to any of the members of the Court that admitted you? A No sir, I was not acquainted with them.
Q You know whether they were old or young men? A They were old men like; Steve Tehee, I got acquainted with him afterwards, and Tom Thompson, at the Council you know I was there a good deal.

Q That was the yelling that was on the corner? A Yes sir.
Q Do you understand Lieutenant Chief of the Cherokee Nation?
A I think so.
Q Steven Talley, that's the man you had reference to? A Yes sir, I think it was. I don't know the name I had no acquaintance with him at all.
A. B. T. S. Downie, deposed when recalled: I have been there at the National Council of the Cherokee Nation, as well as I can now when I was admitted.
Q Did you hear Dr. Hall die? A I think he did, as well as I recollect.
Q Were you ever there to his room? A I think I was.
Q Was it before or after it was that you brought Dr. Hall down there to take a statement before the Court? A It was in January, Tex., was in January Term of 1888 I believe, it was, as well as I recollect about it.
Q Well you didn't take any more testimony after Dr. Hall died?
A No sir, I didn't.
Q But your case was not submitted or passed upon by the Court?
A I think it was, yes sir, as well as I remember.
Q I would like to ask you about the Bluejacket family came to the Cherokee Nation? A Alex Bluejacket and family came with us when we moved here, and went back and got his family and moved them all.
Q Did he move his family here that fall? A Yes sir.
Q That your testimony? A In the fall of 1871 I believe it was, as well as I remember now.
Q When did the Bullock family come? A I think the girl and the old lady came in the next spring.
Q How long did they remain that time? A The old lady stayed here, but the girl went back and in a short time her and her husband came back.
Q Did she come back until after her marriage? A No, she was married when she came first.
Q The last time? A She was married I think, she was married when she came out.
Q How long has August Bullock been a permanent and continuous resident of the Cherokee Nation? A I think he came there in the fall of 1871 or 1872, I dont say which.
Q How long has Robert Pierce been a continuous resident of the Cherokee Nation? A Ever since he was admitted.
Q When was that? A '83.
Q How long has Martin L. Patterson? A Ever since he married his wife, and he was living here before he married his wife.
Q Who is Arizona Hardy? A That is my daughter.
Q Did you bring her with you? A No not when I moved.
Q When did she come? A She came out in a year or two after I moved here.
Q Was she married when you moved here? A No sir, she was not married.
Q She was not married when you were admitted? A No sir, she was a child.
Q When did Sir Love come to this country? A With his grandfather, James Downie.
Q What was his father's name? A Melvina Dawson.
Q You know Sir Love's age? A No sir.
Q Don't know how old he was in '83? A No sir.
Q Was he grown? A I think he was.
Q Married? A No sir.
Q Married in this country? A Yes sir
Q Who is James K. Hanson? A Married one of the Jackson girls.

Q When did they come to this Country? A Right away after they was admitted.
Q In what year? A I think the winter of '94, I think it was, spring or winter of '94.
Q You know Gideon Graham? A Yes sir.
Q Who is his mother? A Missouri Ann Graham, formerly Missouri Ann Dawson.
Q Did he come from Texas to Arkansas? A Came from Texas.
Q Did you know them in Texas? A I knew the girl.
Q You never knew them, until they came to this country? A I never knew Gid.
Q Then did you see him there? A I think they came here in the fall or winter of 1894 or '5.
Q He was married then? A I think he was.
Q Brought his wife? A I think he was, I don't know.
Q Did he have any children when you first saw him? A He come to my house and I never saw his family for--I don't know, for several years.
Q You understood he had a family? A Yes sir.

BY MR. McKINNON:

Q Did you mean to say '94 or '95? A '84.
Q Did you see Gid Graham in '84? A '84, let me study, maybe '85.

BY A.F. MARTINS:

Q Did you see him in '85, are you positive on that proposition? A I think so.
Q Will you swear it? A No sir, I wont positive swear it, but I think it was, as I remember now it was; I couldn't say positive.
Q All the people Mr. Dawson that have been admitted to citizenship by courts of competent jurisdiction unless they were de-citizenized by courts of acquired jurisdiction, enjoyed the same privileges that you have narrated here about going to and being tried in the courts? A Yes sir.

Q All that sort of thing that you have been telling here in your direct examination? A Ask me the question again.
Q I say all people who were admitted here by courts of competent jurisdiction, until they were de-citizenized by courts of like jurisdiction, enjoyed the same privileges that you did? A So far as I know they was.
Q They all drawed money and all tried in the courts as long as we had tribunal courts, were they not? A Yes sir, so far as I know.
Q There was no special privilege granted to you in preference to anybody else? A None but recognized citizens of the Cherokee Nation.
Q Well you had been recognized since you were admitted? A Yes sir, I enjoyed the same privileges of native born Cherokees.
Q Well I say there is nothing special about it? A No, I don't know as there is.
Q You got acquainted with Mr. Duncan while you were up there during the hearing? A Yes sir, I was acquainted with him, I knew him, when I saw him.
Q Mr. Bill Ross did the examination of Dr. Baker? A Yes sir.
Q Did you file any other paper before the Court other than your petition and then Dr. Baker's statement? A I never filed any petition there at all.
Q None whatever? A I don't remember any.
Q Well you never had occasion to file any papers before Mr. Duncan? A I got him to do some writing for me.
Q What? A Letters to my brother in Texas.
Q Nick Dawson? A Yes sir, Nick Dawson.

Q That? A Yes sir, Dick Dawson.
Q Well is that all he did for you? A I don't remember now about it.
Q Why didn't you get your attorney to do that letter writing? A There was not any there.
Q Taylor Hay Songe was not there then? A No sir.
Q That is what you paid the 20 or 25 dollars for, was writing this letter back to your brother? A I paid him for that claim.
Q When did you pay that? A I think I paid it, I don't exactly when, Camp Taylor made it a year or two after I moved out here and settled where I did; might have been 2 years, I don't remember.
Q There was Dawson living then? A I couldn't say where.
Q Was he still clerk of this Court? A No sir, not when that money was paid, that is, when Camp Taylor said he paid it.
Q You did send Camp Taylor some money? A I sent some money to him for Joel Bryant.
Q You knew Joel Bryant's address didn't you? A No, I don't know that I did, No I didn't send Camp Taylor any money, I gave it to him.
Q How much did you give him? A One hundred dollars.
Q When? A Right at that time; he claim on it from me as soon as we got our papers; he come into me and demand me for Bryant.
Q You never sent him any then after that? A No sir.
Q Did you ever see Bryant after that? A Yes sir
Q How long after that? A I don't know, a year or two afterwards, a year I believe, my brother wrote, I wrote to my brother about paying Camp Taylor money and he went onto my brother about it and he never paid him until we moved out to this country.
Q After all that you got him to attend to your uncle Jim Dawson's and the other relatives cases? A The other parties did.

BY MR. McKENNON:

Applicants object to all that part of the witness' evidence in response to interrogatories by representatives of the Cherokee Nation which relates to the character of the evidence upon which the judgments admitting members of the James and Robert Dawson families were admitted, and to the history of the members of the Dawson family, because the same is immaterial, incompetent and irrelevant.

BY MR. McKENNON:

Q One question I omitted to ask you Mr. Dawson, as to the Court at the time the judgment admitting Robert Dawson's family was rendered, who of the judges were present on that day? A They was all three of them, Wolfe, Tehee and Thompson.
Q Are you positive of that fact? A Yes sir.
Q You do not know this Andrew Dawson family who applied to the Dawes Commission for Cherokee citizenship, and who stated that they are cousins of some members of your family? A Andrew?
Q Andrew J. Dawson, who claim to be from Missouri? A How was the question?
Q You do not know them do you? A I don't know that they are any kin to us.
Q You don't know that they are related to you at all? A No sir.
Q This Mary Dawson case, do you know the members of that family?
A No sir, I don't.
Q Don't know who they are? A No sir.
Q The Rebecca Dawson case? A I don't know her either.
Q You don't know whether they are related to you or not? A No sir.
Q If any of these persons are related to you or your family did you have any knowledge of it? A Not as I know of.

Q Jonina Barber, do you know anything about them? A They claim to be kin to me.
Q Where are they from? A They are from Texas.
Q Do you know they are related to you? A They claim to be kin.
BY MR. HASTINGS:
Q Well you swore they that before the Commission? A Yes, they claim to be kinfolks of mine.
BY MR. McKENNON:
Q Irene J. House, who is that? A That is a cousin of mine: claims to be.
BY MR. HASTINGS:
Q You testified for her didn't you before the Commission? A I think I did as well as I remember.
BY MR. McKENNON:
Q Before the Court that admitted James Dawson auxiliarily, who were the witnesses there? A Oliver Miller, from Bentonville, Arkansas.
Q Who were the others? A Myself and J. Dawson and there was two other witnesses, I don't remember who they are.
Q Were they Cherokee citizens and residents of th Cherokee Nation? A Yes sir.
BY MR. HASTINGS:
Q You don't remember their names? A Which?
Q Of these other people who claimed to be citizens of the Cherokee Nation and who were witnesses? A I said about me and J. Dawson was citizens of the Cherokee Nation.
Q You only proved that Jim Dawson was a brother of Robert Dawson before the Court? A Yes sir.
Q And then referred back to the decision in the Court before? A We proved that they were citizens, and he knew my folks before he ever came here.
Q Was he older than Dr. Baker? A About two years ago.
Q Why didn't you get Oliver Miller's testimony in the House case?
Q He was dead.
Q You and no member of your family in the Irene House case or the Jonina Barber case or any of these cases that were tried before the Dawes Commission in your affidavits ever made reference to the fact that Oliver Miller testified in Jim Dawson's case in '84 did you? A I don't remember about that.
Q You did make reference to the fact that Dr. Baker testified there in '84, didn't you? A I don't remember about that now.
Q You never made reference to any other witness having testified other than Dr. Baker didyou? A I don't remember about it now.
BY MR. McKENNON:
Q Now just one other question: All of these papers in the original application and everything, so far as you know, in the James Dawson case, were filed before the Commission which admitted the James Dawson family, are lost or mislaid are they not? A I suppose they are, I don't know, I never saw them.
Q Have you tried to get copies of them? A Yes sir, I tried to get the original papers.

BY COMMISSION: This case is continued until 8:30 A.M., tomorrow morning, March 30th, 1908, it now being the hour for adjournment.

MARCH 30, 1908,- 8:30 A. M.- F. L. DAWSON again on the stand, testifies as follows:
BY MR. McKENNON:
Q Where was your brother Mack Dawson raised? A In Arkansas.

Q What County? A Carroll.
Q Near what town? A Berryville.
Q Did Dr. Baker live at Berryville? A Yes sir.
Q Was your brother intimately acquainted with him for many years? A Yes sir.
Q Did he know him sufficiently to be acquainted with his character and habits of life? A Yes sir.
Q Do you know Josephine Pierce? A Yes sir.
Q Whose daughter was she? A Robert Dawson's.
Q Is she the same identical person who is called Josie Pierce, and Josie Dawson? A Yes sir.
Q Is there any other Josie Pierce or Josie Dawson or Josephine Pierce or Josephine Dawson? A I don't know but the one.
Q She was also called Josephine or Josie Kelly? A Yes, after she married; her first husband was Pierce.
Q And her second husband A Wade Kelly.
Q There was another Josephine Dawson wasn't there, Bulaski's wife? A Why they called her Joe, I suppose that's her name, I could not be positive; that was Riley Dawson's daughter, August Bulaski's wife.
Q She is much younger than your sister, Josephine, above referred to? A Yes sir, oh yes.

BY MR. HUTCHINGS:

Q Where were you born, Mr. Dawson? A Carroll County, Arkansas.
Q You know how old you are? A 42.
Q 42? A I think so.
Q How many older children were there of your father and mother than yourself? A Three.
Q Which were they? A E. Dawson, Riley Dawson and Jasper Dawson.
Q You are the fourth child and the fourth boy? A Yes sir, fourth boy.
Q Where were your father and mother married, do you know, from family history? A I think it was in Arkansas, I couldn't be positive, I think they was.
Q Do you know how long your grandfather lived in Arkansas? A No sir I don't.
Q Don't know what year he came to Arkansas? A Only from statement.
Q Well what did they say about it? A I think they come there in '30.
Q You know whether your father was born in Arkansas? No Many of your grandfather's children were born there? A There was none of them born in Arkansas according to history and according to what he always told me, they were born in Tennessee.
Q He came there in '30, and all the other children were born on the Hiwassee River in Tennessee, before he ever came? A That is what I think, yes sir. Now I am not positive about that. They were from Tennessee, but either Dr. Baker lives there or my folks come from there; I don't know as I remember that I ever heard my father say where he was born at.
Q In Tennessee somewhere; he said he was a good big boy when he came to Arkansas? A I don't know as I ever heard him say.
Q Do you know the difference in the ages of yourself and your three older brothers? A No I don't.
Q Don't know the time that comes in between you? A No I don't know that; I think it is about two years though.
Q That would make E. Dawson about eight years older than you, probably? A Yes sir.

BY MR. McKENNON:
Q Did Josephine Pierce have a daughter who married Mr. Bogle?
A Yes sir.
Q What was her name? A I always knowed her by Dade Pierce; I don't know whether that is her right name or not.
Q What is Bogle's name? A John Bogle.
Q She is the child of Josephine Pierce who married John Bogle?
A Yes sir.
BY MR. HASTINGS:
Q Where did she marry John Bogle? A Near Afton.
Q When? A I douldn't state.
Q About when? A You have got a copy of the marriage license.
Q When did Josephine Pierce come to the Cherokee Nation? A '83.
Q Has she lived here continuously since that time? A Up until her death; she is dead
Q Any of her children come with her at that time? A Yes sir.
Q And have they lived here continuously since that time? A Yes sir, except Bill Pierce, he went to Colorado and died.

J. C. STARR, being first duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q Your name is J. C. Starr is it? A Yes sir.
Q Mr. Starr, was that instrument taken by you, or before you? (Showing witness document.)
A Yes sir.
Q Where? A At the residence of S. H. Benge: near Fort Gibson.
Q When? A On the 15th day of this month.
Q What day of the week was that? A On Saturday.
Q Is that the day it was taken? A Yes sir.
Q Did you go there on Saturday to take this? A Yes sir.
Q Then when Judge Benge stated on Tuesday that it was taken "yesterday" meaning Monday, the 17th, he was mistaken, was he?
A It was taken Saturday, the 15th.
Q Was he mistaken or not? A It was not taken then.
Q Then his statement made on Tuesday the 18th that it was taken on "yesterday", meaning Monday, the 17th, was not correct, was it?
A I think not, because I was there, and it was taken on the 15th.
Q And it was taken on the 15th, you are positive it was taken on the 15th? A Yes sir.

Q Then of course his statement could not be correct? A I guess not.
BY MR. HASTINGS:
Q He was just mistaken about the date, wasn't he? A Yes sir.
BY MR. McKENNON:
Q Did you tell Charles T. Moore who is now present, on last Tuesday that they sent you out there on Monday to take that? A No sir.
BY MR. HASTINGS:
Q I sent you there last Saturday? A Yes sir.
Q And you went there at my direction, didn't you? A Yes sir, and come back Saturday night.

ROBERT L. DAWSON, being first duly sworn, and being examined testified as follows:
BY MR. McKENNON:
Q What is your name? A My name is Robert L. Dawson.
Q What is your age? A I am in something close to 30 years old, I am 29 past

Q Are you a son of E. Dawson, commonly known as Buck Dawson?
A Yes sir.
Q I will ask you if you will examine this letter sent with the enclosure and state whether or not you found that among the papers of your father after his death? A (Hands letter to witness who examines it) A Yes sir, I found this amongst the papers of my father. He always kept all his own papers, and me looking over them I saw this letter.
Q Has that been in your custody ever since you found it? A Yes sir, if that's the letter that was in the envelope.
Q Well that's what it is, you can tell whether it is or not. (Witness further examines letter) Q That purports to be a letter from Samuel H. Benge, does it not, to your father? A Yes sir. (Here applicants' attorney hands letter and env lope referred to to attorneys for Cherokee Nation.)

BY MR. McKENNON: I want to offer this letter in evidence in this case; it is a letter signed by S. H. Benge, attorney at law, dated Fort Gibson, C. N., Jan. 13, 1883. Addressed to Mr. E. Dawson, Esq., together with the envelope, in which it was enclosed, with the card of C. H. Taylor upon it, attorney at law, Tahlequah, Indian Territory. and postmarked Tahlequah, Ind. T., January 13.

BY MR. HUTCHINGS: The Nation objects to the introduction of this letter for the reason that S. H. Benge is living and has testified in this case, and his handwriting should be either proven or denied by himself.

G. W. BENGE, being first duly sworn, and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A G. W. Benge.
Q Are you a son of Samuel H. Benge? A Yes sir.
Q Do youknow his handwriting? A I believe so.
Q Is that his handwriting? (Shows witness letter before referred to.) A Yes sir, it is either his or a resemblance of his.
Q To the best of your knowledge And belief is that his letter?
A Yes sir.

BY MR. McKENNON: Now we offer it in evidence.

BY COMMISSION: (Reading letter)

"Fort Gibson, C. N.,
Jan 13th, 1883.

Mr. E. Dawson, Esq.,

Dear Sir:- I write this note to inform you that your case came off before the Court on Citizenship on the 11th inst, and was decided in your favor, so you all are citizens of this Nation. F. M. Dawson was furnished with a copy of the decision at the court. He will write to you allso. You will please send me fifty dollars as my fee in your case according to contract. Send it to Fort Gibson, Cherokee Nation.

Respectfully yours,
S. H. Benge,
Attorney at law."

Enclosed in envelope, as follows:
Card in upper corner, left hand:
"Return in ten days to C. H. Taylor,
Attorney at Law,
Tahlequah, Ind. Ter."
Addressed: "Mr. E. Dawson,

Henrytta,
Clay Co., Texas."

Post-marked: " Tahlequah, Jun 17 Ind T."

ROBERT L. DAWSON, -re-called and further examined, testified as follows:

BY MR. McKENNON:

Q Now exa ine that and see if that is also a paper which you found among your father's papers after his death? (Hands papers to witness) A That is the same letter that I found.

Q Among the same that you found the Bonge letter? A Yes sir.

BY MR. McKENNON; This is a letter purporting to have been written by J. M. Bryan, to R. Dawson, dated at Chouteau Station, Cherokee Nation, and not dated, which we offer in evidence. (Applicants' attorney hands said paper to Nation's attorneys.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSION: (reads letter)

"Chouteau Station, Cherokee Nation.
I. T., M. K. & T. R. R.

MR. Dawson:

Dear Sir:-

I am in receipt of your favor of the 30th inst in regard to our contract.

After I had got the claim so there would be little more to do I employed Campbell Taylor to answer for me when the case came up, for which I was to pay him $20 out of my fee.

This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, or that you was to pay him $100- and that you had offered him A check on some bank in Texas.

That $100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

And I am satisfied that you are apprised of the earnest work I done for you, Please write to me.

Very respectfully,
Very truly,
J. M. Bryan."

Q I will ask you if you know of your father having paid Bryan that money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A He, I don't know whether I know his age or not.

Q If you don't know you can't say? A I wouldn't have no reason to know his age; never asked him his age; of course I guess my mother known.

Q Never had occasion to talk about his age at all? A Oh I have heard him speaking of his age at different times, but then I never paid enough attention to it.

Old Graham, being first duly sworn and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A Old Graham.

Q How old are you? A Mr. Graham? A I am 35 years old.
Q How long have you been living in the Territory? A I came out Here in 1883 or '88.
Q To the Cherokee Nation? A Yes sir.
Q How long have you been living in the Cherokee Nation, what year was that '83 or '84 A Yes sir.
Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.
Q How long did you live in the Cherokee Nation? A About 6 years.
Q Where did you go then? A Wagoner.
Q In the Creek Nation? A Yes sir.
Q And been residing there ever since? A Yes sir.
Q In business? A Yes sir.
Q Have you all the while been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q Mr. Graham, do you know Judge Samuel H. Benge? A Yes sir.
Q Did you have a conversation with him in Fort Gibson about September of 1900? A Well as to the exact time I couldn't say, it was sometime about the time that the Dawes Commission were at Sallisaw, or possibly a little later, somewhere about there.
Q Taking the census of the Cherokees? A Yes sir.
Q At that time had the question of the validity of the judgment of the Cherokee citizenship commission admitting Robert Dawson and family been called in question? A Yes sir.
Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.
Q What did he tell you about it; well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A . He did.

BY MR. HUTCHINGS:

Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?
Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.
Q And he told you the judgment was all right? A Having known that Mr. Benge was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I might want his affidavit concerning the matter. and I also I think maybe wrote to him; possibly prior to that, I am not sure as to the writing, but I think possibly I did.
Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would use him in person; he assured me that everything was all right.
Q Your mother was Missouri Dawson was not she? A Yes sir.
Q Her name was Missouri Graham when she was re-admitted to citizenship? A Yes sir.
Q And was not Missouri Dawson as named in that judgment? A Yes sir.
Q Do you know whether the other .. children named in there had married and changed their names also at the time they were admitted?
A There were not any of them married.
Q Ella Dawson was your aunt? A Yes sir.
Q Was she married .. at that time? In 1883? A Yes sir.
Q Melvina Dawson, was she married at that time? A Yes sir.
Q And the fourth one you have mentioned, Missouri Dawson, was your mother? A Yes sir.

Q Can you give us the exact date of your birth? A Yes sir.
Q Do so, please? A January 21, 1867.
Q And you came to the Territory when? A In 1887 or 1888.
Q You can't make that any more definite? A Well sir, it was been a good while ago, and I didn't have anything to cause me to.
Q Well I just want to know whether you did have or not? A No sir.
Q When were you married? A 1886.
Q You were married prior to coming here? A Yes sir.
Q Your first child born away from here? A Yes sir.
Q What is its name? A [illegible]
Q '86 you were married, and he was born about the spring of '87? A Somewhere in 1887. I don't remember.
Q Prior to your coming here? A Yes sir.
Q That is the only child you had that was born away from here? A No sir, Julius.
Q Julius was not born in the Territory? A No sir.
Q And prior to the time of your removing to the Territory? A Yes sir.
Q These are the only children born out? A Yes sir.

BY MR. McKENNON:

Q Do you know Campbell Taylor? A Yes sir.
Q I will ask you if about February 1901, he came to Wagoner, and sent his son to have you come to the hotel at night where he was, and if he then and there said to you "You people are on the doubtful list, and if you will give me five hundred dollars I will make it all right and)see that you are enrolled, and if you don't I will see that you don't get on".? A Well now as to the first part of thatquestion, where you say he sent his son; that is an error; I don't know whether he care to my house or sent some one; when I returned home that evening my wife told me there was some one there to see me, and was at the city hotel at Wagoner, and said come down and see him; I went down there; I never had met Taylor; he introduced himself to me and stated what his business was; asked me if I was on the doubtful list, etc., to which I replied that we were; he asked me if I didn't want to employ him, stating that if we would give him our fees, could give him five hundred dollars he would see that we were placed on the rolls all right, but if we refused to give him five hundred dollars that he would use his influence against us and see that we were rejected.
Q You never had met him before, or had any communication with him? A I never met him [illegible] as to the communication, I may have written him some thing about his affidavit as to the validity of that judgment, I [illegible]. He said in his testimony that I did; I don't know whether I did or not now.

BY MR. HUTCHINGS:

Q You knew he was the attorney in the case, originally? A After looking at the records I did.
Q I mean you knew it at the time you wrote to him about the affidavit; that was the reason why you thought he would know something? A Certainly.
Q He never told you he was going to swear against you or threatened to tell anything that was not true? A He just simply said unless we gave him that five hundred dollars he would see we were all put off the rolls.
Q Said he would use his influence against you, that is what he said? A Yes sir.

BY MR. HASTINGS:
Q You don't deny writing to him then for the affidavit? A I don't say I did or I did not; I neither affirm it or deny the question.
Q You went to Captain Benge and also wrote him with reference to what he knew about the case? A I don't know whether I wrote him or not, I said I was under the impression I wrote his son.
Q You went to see Aaron Butler, who was interpreter before that court that admitted you? A Yes sir.
Q And you went with Aaron Butler to see Sir Smith, attorney before that court? A Yes sir.
Q And you either wrote or went to see everybody you knew of that was before that court then? A Yes sir.
Q That shows you used considerable activity? A Yes sir, I used such activity as was to my interest.
BY MR. McKENNON:
Q This was all after the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof such as had appeared before the Commission had been placed upon a doubtful card? A Yes sir.
Q Then you began to look up the evidence and see what there was in it? A Yes sir.
Q As Mr. Hastings has stated? A That's right.
BY MR. McKENNON:
Q You are a grandson of James Dawson? A Yes sir.
Q The old gentleman? A Yes sir.
Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1834, wasn't it? A Yes sir, well I can't be exact as to that.
Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.
Q Well what other James Dawson did you know belonging to the families, either one of these families, Robert Dawson family or the James Dawson family? A I never knew of but two James Dawsons.
Q Who were the others? A Dr. James R. Dawson, who is present and standing right here; my grandfather, James Dawson.
Q Was there in '84 any James R. Dawson 35 or 40 or 45 years old, that you know of, belonging to either one of these families?
A No sir.
Q Do you know how old Dr. James R. Dawson was that that time?
A James Dawson? Q No I am speaking of Dr. James R. Dawson? A Oh, how old he was, no sir, I do not.
BY MR. HUTCHINGS:
Q Do you know who was here attending to your mother's citizenship case at that time, at the time they were admitted? A Yes sir, James Low and Bill Jackson, son of Ellen Jackson.
Q Who was W. A. Dawson? A That is Wilburn, my uncle.
Q Was he here? A I don't know sir.
Q You were not here any of the time? A No sir.
Q You knew your grandfather then, you had lived in the same neighborhood with him? A Yes sir, I knew him well.
Q He didn't die for a year or two after that did he? A After when, Mr. Hutchings?
Q After his admission to citizenship? A No sir, he didn't die I think until '91 or '90, several years after.
Q Very old man when he died? A Yes sir.
BY MR. McKENNON:
Q About what age? A He was approximately 80 years old.
BY MR. HUTCHINGS:
Q When he died? A Yes sir.

BY MR. HASTINGS:

Q That about 1891? A I think so, yes sir.

BY MR. McKENNON:

Applicants object to the testimony of the witness elicited by interrogatories of Counsel for the Cherokee Nation relating to his family, their history, etc, as being immaterial, irrelevant and incompetent.

James R. Dawson, being first duly sworn, and being examined, testified as follows:

BY MR. McKENNON:

Q Your name is James R. Dawson? A Yes sir.
Q Where do you live? A Afton, Indian Territory.
Q What is your age? A 45.
Q You are a physician are you not? A Yes sir.
Q Was James Dawson, whose family was admitted in 1884, an uncle of yours? A Yes sir.
Q Do you know what his age was at that time? A No sir, I do not, only approximately.
Q State as nearly as you can? A At the time of theadmission?
Q Yes sir? A About 70, I don't know exactly.
Q How old was he when he died? A I would suppose he was about 78.
Q What was your age in 1884? A I am 45.
Q What year were you born, Doctor? A I was born in '56.
Q That have been '56? A Yes sir, that's right.
Q What was your age then? A In '84?
Q Yes sir? A About 28.
Q Were you present at the time that James Dawson family was admitted, or at any time while their case was pending before the Cherokee citizenship commission? A Not while the James Dawson case was, no sir.
Q You were present during your father's case? A I was there at the time.
Q When was that? A The dates I cannot remember when the case first came up, I cannot remember the exact date.
Q How long were you there? A I was there about a week.
Q Was that when it first came up you say? A Yes sir.
Q Nothing was done? A No sir.

BY MR. HUTCHINGS:

Q You never saw Dr. Baker? A Yes sir.
Q Did he and your uncle Jimmie used to talk about how they played together when they were boys? A My uncle Jim and Dr. Baker talk?
Q Yes? A I never saw them together.
Q They were about the same age? A Yes sir, I believe Dr. Baker was 15 years older probably.
Q Dr. Baker must have been mistaken about his own age? A Guessing, that's all I know about his age.
Q The Doctor had been paralyzed, rather a decrepit looking man at the time he was over here at this citizenship business? A No sir, not as I know anything about.
Q He was near about 70 then? A I couldn't tell you, he was an old looking man.
Q Your uncle Jimmie was about 70? A Yes sir.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

W. W. HASTINGS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS:

Q State your name? A W. W. Hastings.

Q Residence? A Tahlequah, age 35.

Q You are attorney for the Cherokee Nation in the general preparation of these cases? A Yes sir.

Q Just state how it happened that you summoned Mr. Campbell Taylor, and what occurred between you with reference to his testimony? A Well there had been some talk, as the testimony here indicates, that there was perhaps fraud in the admission of this family, and by agreement with counsel on the other side, and the Commission, this case was set for the 17th day of March, and some short time prior to that, as the attorney for the Nation I began to make some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote C. H. Taylor to come down here. I don't think in that letter that I told him what I wanted with him. I don't think I told him the case that I wanted him to testify in; that is my recollection now. Mr. Taylor prior to that time, neither directly nor indirectly, so far as I know, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I summoned him; perhaps the fact that I knew he had been connected with them in some way and that I perhaps also would get some information from him. Well he came in response to a letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe he could be compelled to testify, and that is he was put upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length; I asked him what he knew about it; of course he for a long time declined to tell me; and what information I did get from him was by piecemeal. He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him.

Well we talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he detailed to me the facts just as he told them on the stand; I don't believe there is the slightest variation, except that he perhaps was not so full at that time and it was told by piecemeal, but I got all those facts out of him, or very nearly all those facts out of him. He may have elaborated a little more here by examination; but he never voluntarily gave me any information at all, either directly or so far as I know indirectly. I don't think he sent any one to me. I got his name because I heard he was connected with the case, and perhaps knew something about it, like I did a great many other people, some of whom I didn't bring, because they didn't know what I supposed they did know about the case.

With reference to S. H. Benge, I want
voluntarily gave me any information at all
did I know that he knew anything in connec
I sent J. C. Starr over to S. H. Benge's h
on Saturday, March 15, in the W. H. and J.
descendants. I had heard that Mr. Benge h
in connection with the Shoemake case and I
to take that affidavit; and when Mr. Starr
that he knew some facts also in connection
and I was surprised to find he had instead
in the Shoemake case, that he also had anot
in the Dawson case. That is the first info
Benge knew anything whatever in connection
and therefore he never voluntarily either
gave any information prior to that time to

I impressed upon Mr. Taylor that the
absolute truth in this matter; that it was
else but the truth, and didn't want him to
the truth.

I want to say again that after he was
that evening, and after Captain McKennon, w
had indicated his willingness for Mr. Taylo
went over all of these facts that he testif
subsequent to that time in the presence of
I simply wanted to go on the stand for the
Mr. Taylor hadn't voluntarily given me any

I make this statement for that

BY MR. McKENNON;

Q You had no power to compel him to give yo
that time at all did you? A No sir, none
that I brought to use.
Q He therefore did it simply upon your pur
Q You knew he had been acting as attorney
A Yes sir, I had seen from the record that
Q And he told you so? A Yes sir.

BY COMMISSION: The attorneys for the
resentatives of the Cherokee Nation will
from the receipt of the transcript in
file [illegible] in this case with the Com

I, [illegible], do hereby certify that as ste
ion to the Five Civilized Tribes I correctly
and proceedings in this case and that the for
complete transcript of my stenographic notes

(Sign

I, Arthur C. Evans, being duly sworn, state that as stenographer to the commission to the Five Civilized Tribes I copied the foregoing, and that the same is a true and complete copy of the original.

Arthur C. Evans

Subscribed and sworn to before me this 18th day of December, 1902.

D C Jones

Notary Public.

No. 3000

United States of America

THE NATIONAL ARCHIVES

To all to whom these presents shall come, Greeting:

I Certify That hereto annexed is a true copy of the [illegible] *described below, which is in the official custody of the Archivist of the United States and is on file in The National Archives, to wit:*

[illegible]

[illegible] affairs
([illegible]).

In testimony whereof, I, [illegible] *Archivist of the United States, have hereunto caused the Seal of The National Archives to be affixed and my name subscribed by the Administrative Secretary of The National Archives, in the District of Columbia, this* [illegible] *day of* [illegible] *19*[illegible].

Dolan J Buck
Archivist of the United States

By Thad Page
Administrative Secretary

E-60
3-30-61

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Morris O. Riddle (Name incorrect, see letter of child), born on the 5" day of April, 1899

Name of Father: Jesse F. Riddle, a citizen of the Cherokee Nation.

Name of Mother: Lula O. Riddle, a citizen of the Cherokee Nation

Postoffice Albion Ind Ty

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY.

Cherokee Nation.

I, Lula O. Riddle, on oath state that I am 26 years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of Jesse F. Riddle, who is a citizen, by adoption of the Cherokee Nation; that a male child was born to me on the 5th day of April, 1899 (male or female); that said child has been named Morris O. Riddle, and is now living.

Lula O Riddle

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 1st day of October, 1900.

J. F. Rankin

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

Northern District.

I, Martha Blackwell, Mid wife, on oath state that I attended on Mrs. Lula O Riddle, wife of Jesse F Riddle, on the 5th day of April, 1899, and that a child was born to her on said date; that said child is living and is now supposed to have been named Morris O. Riddle

Martha X Blackwell
mark

WITNESSES TO MARK:

(Must be Two Witnesses)

W. B. Dennison

J. F. Rankin N P

Subscribed and sworn to before me this 1st day of Octob, 1900.

J. F. Rankin

Notary Public.

6

D.

IN RE.

Application for Enrollment of

INFANT CHILD

Morris O Wells

as a citizen of the

Chickasaw Nation.

OCT 4 - 1900 190

Commissioner.

Ward No. 521

No. 500

United States of America

THE NATIONAL ARCHIVES

To all to whom these presents shall come, Greeting:

I Certify That hereto annexed is a true copy of the document described below, which is in the official custody of the Archivist of the United States and is on file in The National Archives, to wit:

Birth affi[illegible] of [illegible]ed[illegible].

This document is from the records of the Office of Indian Affairs ([illegible]).

In testimony whereof, I, [illegible] Archivist of the United States, have hereunto caused the Seal of The National Archives to be affixed and my name subscribed by the Administrative Secretary of The National Archives, in the District of Columbia, this [illegible] day of January 19[illegible].

Solon J. Buck
Archivist of the United States

By Thad Page
Administrative Secretary

K-531

IN RE

Application for Enrollment of

INFANT CHILD

Ray Mosley

as a citizen of

CHEROKEE NATION.

Approved Oct 31 1902

T. B. Needles

Commissioner.

For Sale by Leader Printing Co., Vinita.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

K 521

IN RE

Application for Enrollment of

INFANT CHILD

Ray Wade

as a citizen of

CHEROKEE NATION.

Approved Oct 31 1902

T. B. Buckingham

Commissioner.

For Sale by Leader Printing Co., Vinita.

FILED

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as citizen of the Cherokee Nation, of Ray Middle, born on the 29th day of June, 1902; Name of Father: Hiram F. Middle, a citizen of the Cherokee Nation; Name of Mother: Lula B. Middle, a citizen of the Cherokee Nation; Post-office: Atoka, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, NORTHERN DISTRICT.

I, Lula B. Middle, on oath state that I am 27 years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of Hiram F. Middle, who is a citizen, by adoption, of the Cherokee Nation, that a male (male or female) child was born to me on the 29th day of June, 1902; that said child has been named Ray Middle, and is now living.

WITNESS MY HAND. Lula B. Middle

(Must be two Witnesses.)

Subscribed and sworn to before me this 28th day of June, 1902.

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, NORTHERN DISTRICT.

I, Lizzie Hall, a Midwife, on oath state that I attended on Mrs. Lula B. Middle, wife of Hiram F. Middle on the 29th day of June, 1902; that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Ray Middle.

WITNESS MY HAND. Lizzie Hall

(Must be two Witnesses.)

Subscribed and sworn to before me this 28th day of June, 1902.

NOTARY PUBLIC.

7

(COPY)

Refer in reply to the following:
Land 13655-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, October 16, 1903

Cherokee Enrollment
Francis M. Dawson, et al., Group 13.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to office report of even date transmitting the record relative to applicants, parties to Group 1 of the Francis M. Dawson Consolidated Case , there is enclosed herewith the record relative to the applicants involved in Group 13.

D 521, Group 13, page 1.

Lula Pearl Weddle applies for enrollment of herself and her minor children, Curtis and Morris O. Weddle, as citizens by blood and for the enrollment of her husband, Hiram F. Weddle, as a citizen by intermarriage. She also applies for the enrollment of Roy weddle who was born subsequent to the date of her original application. He is properly identified by a birth affidavit.

D 522, Group 13 page 8.

William D. Douthitt applies for the enrollment of himself as a citizen by blood.

D 343, Group 13, page 9.

Alonzo M. Fishback applies for the enrollment of himself

as an intermarried citizen, and for the enrollment of his wife, Laverna A. Fishback, and their minor children, William A. and Annie B. Fishback, as citizens by blood.

D 737, Group 13, page 19.

Elbert L. Morgan applies for the enrollment of his wife, Florence Morgan, and their minor child, Clide, as citizens by blood. He also applies for the enrollment of Alice A. Morgan, his minor child, born subsequent to the date of his original application. This minor is identified by a birth affidavit.

D 845, Group 13, page 24.

John E. Fishback applies for the enrollment of himself as a citizen by blood.

D 979, Group 13, page 27.

George A. Mabry applies for the enrollment of himself as an intermarried citizen and for the enrollment of his wife, Edna Mabry, and their minor children, Roby and Charlie Mabry, as citizens by blood.

December 20, 1902, the Commission found that all of the applicants above named, except George A. Mabry, were entitled to enrollmenr as citizens of the Cherokee Nation. Hiram F. Weddle and Alonzo M. Fishback as citizens by intermarriage and the others as citizens by blood.

The parties to this group claiming the right to enrollment are related to the Dawsons but they do not claim the right to

enrollment by reason of such relationship. The evidence in this case shows that Hiram F. Weddle was married September 13, 1884, under a Cherokee license, to Lula P. Douthitt (Group 13, page 1). Lula P. Weddle, nee Douthitt, was admitted to citizenship in the Cherokee Nation by the Spears Court, September 13, 1884. The decision of this Court admitting her is as follows:

And now on this the 13th day of September, 1884, comes this case for final hearing and all the evidence in the case having been carefully read and considered by the Commission on Citizenship it has been decided by the Commission that the above named Lula Dauthett and Dallas Dauthett are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

Eli Spears, pres.
John Lee,
Andrew Young,
Commission on Citizenship.

John L. Adair,
Clk Com'n.

Hiram F. Weddle and his wife are identified by the 1896 roll. Lula P. Weddle has lived in the Cherokee Nation since 1884.

William D. Douthitt (Group 13, page 8) is a brother of Lula P. Weddle and was admitted to citizenship in the Cherokee Nation by the Spears Court September 13, 1884. He is identified by the census roll of 1896 and the record shows he has lived in the Cherokee Nation since he was admitted to citizenship.

Leverna, or Verena, Fishback, nee Dawson, (Group 13, page 9) is a daughter of Jasper Dawson, who was admitted to citizenship January 11, 1883. She was first married to Alonzo M. Fishback in 1887, in accordance with the laws of Texas. May 17, 1893, they were re-married in accordance with the laws of the Cherokee Nation. Leverna Fishback does not, however, claim right to enrollment by reason of the admission of her father but by reason of her own ad-

mission on December 1, 1894. The act of the national council admitting her and others to citizenship is as follows:

Senate Bill No. 15.

Be it enacted, by the National Council, that M.A. Feland, Edna Mabry, Kittie Flournoy, Verena Fishback, M. . Taylor and Edner Cox, together with their families, be, and are hereby entitled to all the rights and privileges as are enjoyed by the rest of the members of their families who are citizens of the Cherokee Nation by blood, and all of whom are now residents of Cooweescoowee district.
Passed by the Senate November 27th, 1894.
Roach Young, President Senate.
J.C. Starr, Clerk of senate.
Concurred in by Council November 28th, 1894.
V. Gray, Speaker of Council Pro tem.
J. H. Dick, Clerk of Council.
Approved December 1st, 1894, C. J. Harris, Principal Chief, C.N.

Alonzo M. Fishback, and the persons for whom he applied are identified by the Cherokee census roll of 1896. His wife is also identified by the Cherokee pay roll of 1890. The Fishback family has lived in the Cherokee Nation since 1883.

Elbert L. Morgan, (Group 13, page 19) is the husband of Florence Morgan, nee Flournoy, who is the daughter of Kitty Richardson, formerly Flournoy, nee Dawson. Mrs. Richardson was admitted to citizenship in the Cherokee Nation by the National Council December 1, 1894, under the name of "Kittie" Flournoy. The members of her family were also admitted by this act.

John E. Fishback (Group 13, page 24) is a son of Leverna A. Fishback who was admitted to citizenship in the Cherokee Nation by act of the national council of December 1, 1894. His mother was admitted under the name of "Verena" Fishback.

Edna Mabry (Group 13, page 27) was married to George A. Mabry December 11, 1884, in accordance with the laws of the State of

Arkansas. She and her husband claim to have been married in 1889 under the laws of the Cherokee Nation. The record contains no evidence as to this latter marriage except the testimony of the applicants. Edna Mabry is a daughter of Robert and Nancy Dawson. Robert was admitted to citizenship in the Cherokee Nation January 11, 1883. Edna Mabry, however, does not base her right to enrollment on her father's admission. The record shows that she and the members of her family were admitted to citizenship by act of the national council approved December 1, 1894.

In view of the foregoing the office is of the opinion that the decision of the Commission with reference to the parties to this group is correct and should be approved except in so far as it relates to the enrollment of Hiram F. Weddle and Alonzo M. Fishback who are applicants for enrollment as citizens by intermarriage and to George A. Mabry who is an applicant for enrollment as an intermarried citizen whose enrollment has been denied by the Commission. The approval of the Commission's decision, except as to the parties mentioned, is recommended, and attention is respectfully invited to office report of even date transmitting Group 1, of this consolidated case.

August 31, 1903, Kimball & White, attorneys of this city, filed a brief and argument relative to the right of George A. Mabry to enrollment as an intermarried citizen. In their letter it is stated that a copy of the brief was forwarded to the attorney for the Cherokee Nation.

September 23, 1903, (I.T.D. 8015), the Department forwarded to this office the reply of the Cherokee Nation to the brief above mentioned. May 23, 1903, (I.T.D. 4851), the Department transmitted to this office a motion for a new hearing with reference to the right of George A. Mabry to enrollment.

August 4, 1903, Kimball & White, filed a motion "for review and recommitment" to the Commission of this group in so far as it relates to the right of George A. Mabry to enrollment as an intermarried citizen.

The evidence does not show that George A. Mabry and his wife, Edna Mabry, have been married in accordance with the laws of the Cherokee Nation. Mabry testifies that they were so married but he did not furnish a copy of the marriage license or of the record of the Cherokee Nation pertaining to such marriage. In order that no injustice may be done this applicant, the office believes that the case, so far as he is concerned, should be returned to the Commission in the event the Court of Claims finds that intermarried citizens are entitled to enrollment and to participate in the distribution of the Cherokee estate.

It is not believed, however, that the case should be returned until after the Court of Claims shall have made its findings and rendered an opinion on the question submitted to it by the Department February 24, last.

Attention is respectfully invited to the fact that the act of December 1, 1894, admitted to citizenship in the Cherokee Nation Edna Mabry, among others, "together with their families." George A. Mabry and Edna Mabry were married prior to the date of said act and it may be possible that George A. Mabry was admitted to citizenship in the Cherokee Nation December 1, 1894, by reason of the fact that his wife and the members of her family were admitted to citizenship. However, as he has applied for enrollment as an intermarried citizen the office does not consider it necessary to discuss this point but invites attention thereto.

Very respectfully,

W. A. Jones,

Commissioner.

G.A.W. (B).

D.C. 10512-1904.

LRS

I.T.D 7442-1903.
7452- "

JP
FHE
J.W.H.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

March 31, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 25, 1903, you transmitted the record in the matter of the application of Francis M. Dawson et al., for enrollment as citizens of the Cherokee Nation. In your decision of December 23, 1902, you disposed of the applications in the Dawson case by groups. In this letter Group XIII, as disposed of by you will be considered.

This group includes these applications designated by you as D. 343, D 521, D 737, D 843 and D 979.

Title D 343 refers to the application of Alonzo M. Fishback for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Leverna A., and his minor children William A. and Annie B. Fishback, as citizens by blood of the Cherokee Nation. It appears that the said Alonzo M. Fishback was married May 17, 1893, in accordance with the laws of the Cherokee Nation to Leverna A. Dawson, to whom he was previously married in the State of Texas, according to the laws thereof in 1877. She was admitted to citizenship in the Cherokee Nation

by the act of the National Council approved December 1, 1894, under the name of Verena Fishback.

All the members of this family are identified upon the 1896 roll. Leverna Fishback is also identified upon the pay roll of 1890. The father and mother have resided in the Cherokee Nation since 1883.

Title D 521, refers to the application of Lula Pearl Weddle for the enrollment of herself and her minor children Curtis Morris O., and Roy Weddle, as citizens by blood, and for the enrollment of her husband, Hiram F. Weddle, as a citizen by intermarriage of said nation. It appears that Lula Pearl Weddle, formerly Lula Pearl Douthitt, was admitted to citizenship in the Cherokee Nation by decree of the Spears Court dated September 13, 1884. She has resided in the Cherokee Nation since 1884, and is identified upon the 1896 census roll. Her children named above are identified by birth affidavits.

Title D 737 refers to the application of Elbert L. Morgan for the enrollment of his wife, Florence, and his minor children, Clide and Alice A. Morgan, as citizens by blood of said nation. It appears that the said Florence Morgan is the Florence Flourney referred to under title D 735, which was disposed of by you in Group xii. She was admitted to citizenship December 1, 1894, with her mother, Kitty Richardson, formerly Flourney as a member of her family. She has resided in the nation since 1894. Her children, Clide and Alice A. Morgan, are identified by birth affidavits.

Title D. 845 refers to the application of John E. Fishback for the enrollment of himself as a citizen by blood of said nation. This applicant is a son of the Leverna Fishback who was admitted to citizenship on December 1, 1894, and was a minor at that date. He is identified on the census roll of 1896 and has resided in the Nation since 1894.

Title D. 979 refers to the application of George A. Mabry for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Edna, and his minor children, Roby and Charlie Mabry, as citizens by blood of said nation. The principal applicant was married to Edna Dawson in Arkansas, in 1884. Subsequently, it is claimed, they married in the Cherokee Nation, in accordance with the laws thereof, in 1889. The testimony is not clear as to whether or not George A. and Edna Mabry were married in accordance with the Cherokee law. They were married, however, at the date of her admission by the National Council, viz: December 1, 1894, to Cherokee citizenship, her name appearing therein as Edna Mabry. She is identified on the strip payment roll of 1894, and has resided in the nation with her husband since 1884. Their children, Roy and Charlie Mabry, were minors at the date of their mother's admission.

The attorneys for Mabry have filed a motion for a rehearing in his case, supported by a brief. Both motion and brief have been duly served upon the attorney for the Cherokee Nation. The latter has filed a reply thereto. The purpose of said motion is to secure a rehearing in order to establish that George A. Mabry

was married in accordance with the laws of the Cherokee Nation.

In said decision of December 23, 1902, you held that all of the applicants are entitled to enrollment except George A. Mabry.

Reporting in reference to this group on October 16, 1903, the Commissioner of Indian Affairs recommended that your decision be approved, except in so far as Hiram F. Weddle, Alonzo M. Fishback, and George A. Mabry are concerned, who are classified as applicants claiming by intermarriage. The Commissioner is of the opinion that George A. Mabry should have an opportunity to show that his marriage with Edna Dawson was performed in accordance with the Cherokee law. He does not believe, however, that the case should be returned until after the Court of Claims has rendered its opinion submitted to it by the Department on February 24, 1903. He calls attention, however, to the act of December 1, 1894, which reads as follows:

"Senate Bill No. 15.

Be it enacted by the National Council, that M.A. Foland, Edna Mabry, Kittie Flournoy, Verena Fishback, M.C. Taylor and Edner Cox, together with their families, be and are hereby entitled to all the rights and privileges as are enjoyed by the rest of the members of their families who are citizens of the Cherokee Nation by blood, and all of whom are now residents of Cooweescoowee district.

Passed by the Senate November 27th, 1894.

Roach Young, President Senate.

J.C. Starr, Clerk of Senate.

Concurred in by the Council November 28th, 1894.

V. Gray, Speaker of Council, protem.

J. H. Dick, Clerk of Council.

Approved December 1st, 1894.

C. J. Harris, Principal Chief, C.N."

and states that it is possible that George A. Mabry was admitted to citizenship by the force of said act. In view of the fact that Mabry applied for enrollment as an intermarried citizen, the

Commissioner considers it unnecessary to discuss his rights under said act of the National Council.

It should be noted in this connection, that if the act is applicable to Mabry, it also refers to Alonzo M. Fishback.

Title D. 522 refers to the application of William D. Douthitt for the enrollment of himself as a citizen by blood of said Nation. He was admitted to citizenship by the National Council september 13, 1884, and is identified on the census roll of 1896. Since 1884 he has resided in the nation.

The Department concurs in your decision as to those applicants who claim enrollment by blood. Respecting those claiming by intermarriage, action will be deferred until a decision shall be rendered by the Court of Claims concerning the rights of intermarried persons to enrollment in the Cherokee Nation.

A copy of Indian Office letter of October 16, 1903, relating to this group, is inclosed.

Respectfully,

(signed) Thos Ryan

Acting secretary.

1 inclosure.

OFFICE OF
DIRECTOR OF REFERENCE SERVICE

The National Archives
Washington, D. C.

January 2, 1943.

RECEIVED
JAN 12 1943
184

Mr. A. M. Landman
Superintendent, Five Civilized Tribes
Muskogee, Oklahoma

My dear Mr. Landman:

The Office of Indian Affairs has referred to The National Archives your letter of December 18, 1942, (Indian Land and Money LFS-12-18-42 Birth Affidavits for Cherokees 31868 and 31869), requesting copies of the birth affidavits of Morris O. and Roy Weddle.

In accordance with your request, there are enclosed certified photostatic copies of these birth affidavits. The photostats forwarded with your letter are returned herewith.

Very truly yours,

P. M. Hamer
Director of Reference Service

Enclosures

FOR VICTORY
BUY
UNITED STATES
WAR
BONDS
AND
STAMPS

CHEROKEE 10764

Lula P. Weddle et al.

See record in this case
see Cherokee
Abram P. Weddle et al

Cher 10765
William D. Douthitt

Trans. from D 522

Cher 10765

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 4, 1900.

In the matter of the application of William Dallas Douthitt for enrollment as a Cherokee by blood: being sworn and examined by Commissioner Breckinridge, he testified as follows:

Q Give me your full name? A William Dallas Douthitt.
Q How old are you? A 21.
Q What is your post office address? A Afton.
Q In what district do you live? A Delaware.
Q Who is it you want to have put on the roll? A Myself.
Q Do you claim as a Cherokee by blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Since 1884.
Q Do you claim to have been admitted by the Cherokee Commission in 1884? A Yes, sir.
Q Do you claim that you were admitted as Dallas Douthitt? A Yes, sir, William Douthitt.
Q You have a sister named Lula? A Yes, sir.
Q She was admitted at the same time you were, was she? A Yes, sir.
Q Have you a certificate of your admission? A Yes, sir, that is my grandfather's.
Q This is a certificate relating to what your sister claims is the admission of your grandfather; this is not your certificate. You have lived in the Cherokee Nation ever since you were admitted in 1884? A Yes, sir.
Q Give me the name of your father? A Lee Morris Douthitt.
Q Dead or alive? A He is alive.
Q The name of your mother? A Nancy California.
Q She dead or alive? A She is dead.

(On 1896 roll, page 464, No. 989, William Dallas Douthitt, Delaware district.)

(Comes now the representatives of the Cherokee Nation and protest against the enrollment of this applicant, on the ground that he obtained his admission by fraud.)

Commissioner Breckinridge: The applicant claims to have been admitted to Cherokee citizenship in 1884. He is identified on the roll of 1896 as a native Cherokee, he claims that he has lived in the Cherokee Nation ever since his admission in 1884. The Cherokee representative present protests against his enrollment upon the ground that the admission was obtained by fraud. For the further consideration of this matter, and also to await the official copy of the certificate of admission, the application will be placed upon a doubtful card.

———o———

Bruce G. Jones, being duly sworn, says that he stenographer to the Commission to the Five Civilized Tribes has he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 4th of October, 1900.

C. M. Bruner
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 4 1900



DELAWARE
Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

21 Date OCT 4 1900 1900.

Name William D. Douthitt. Afton Ok.

District DELA Year [illegible] Page 464 No. 989

Citizen by blood Yes Admitted [illegible] Mother's citizenship Lee W. Douthitt — 1

Intermarried citizen [illegible] Nancy C — 1

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Enr. Ptr. Roll as William Dallas Douthitt
Cert. for admission to be Cherokees

AFFIDAVIT

UNITED STATES OF AMERICA

NORTHERN DISTRICT

[illegible]

NOTICE [illegible]

[illegible] oath state that [illegible] the [illegible] Court [illegible] Division [illegible] Proof of Service was served to [illegible] by [illegible] service [illegible] Indian Territory, a notice, a true copy of which is attached hereto and by this reference made attached the receipt of the Postmaster at [illegible] Indian Territory and that on the [illegible] day of [illegible] [illegible] and said receipt so attached signed by the said [illegible] [illegible] that he had so served said notice

[illegible]

Subscribed and sworn to before me on this the [illegible] day of [illegible] A.D. [illegible]

[illegible]

Notary Public

C D. 522

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190....

Given under my hand this ..... day of..... A. D. 190

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ..... day of ..... , 190 .

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the day of A. D. 190

Subscribed and sworn to before me this .....

.....

Notary Public.

C

1902

MAR

NOTICE!

[illegible] WILLIE [illegible] the [illegible] of [illegible]

[illegible] a Cherokee citizen

[illegible]

To [illegible]

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on [illegible] or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible], 19[illegible].

Attorneys for the Cherokee Nation

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

[illegible]

Receipt is hereby acknowledged of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of [illegible] for enrollment as [redacted] of the Cherokee Nation.

[illegible]

A. S. Williamson

Commissioner.

No. [illegible]

10522

IN RE

Application for Enrollment of

INFANT CHILD

Wanetta, Deathitt

as a citizen of the

Cherokee Nation.

Approved Oct 31 1907

T. B. Needles

Commissioner.

10/2/02 Held Pending decision

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation, of Wanetta Dauthitt, born on the 30 day of August, 1902
(Here insert name of child)
Name of Father: William D. Dauthitt a citizen of the Cherokee Nation.
Name of Mother: Josie P. Dauthitt, a citizen of the Cherokee Nation.
Post-Office: Albion, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, Josie P. Dauthitt, on oath state that I am 21 years of age and a citizen, by Marriage, of the Cherokee Nation; that I am the lawful wife of William D. Dauthitt, who is a citizen, by Blood, of the Cherokee Nation, that a Female child was born to me on the 30 day of August 1902; that said child has been (Male or female)
named Wanetta Dauthitt, and is now living.

Josie P. Dauthitt

WITNESSED TO MARK

(Must be Two Witnesses) }

Subscribed and sworn to before me this 18 day of Sept 1902,

J. G. Truitt
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, Dr Jas R. Dawson, a Physician, on oath state that I attended on Mrs. Josie P. Dauthitt, wife of William D. Dauthitt on the 30 day of August, 1902, that there was born to her on said date a Female child; that said child is now living and is said to have been (Male or female)
named Wanetta Dauthitt

Jas R Dawson M.D
P.O. Ind. Ter.

WITNESSED TO MARK

(Must be Two Witnesses) }

Subscribed and sworn to before me this 18 day of Sept 1902,

J. G. Truitt
Notary Public

Chas. A. Davidson Clerk.

By Deputy.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, I. T., [redacted]

I, the undersigned, a Stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of application for enrollment of [redacted]

as citizen of the Cherokee Nation.

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
Northern District } ss.

I, Charles A. Davidson, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 31 day of Dec. 1901, at ---- M., and duly recorded in Book L, Marriage Record, Page 499

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 8 day of Jany., A. D. 1902.

Chas. A. Davidson Clerk.

By Deputy.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

OCT 2 1902

Muskogee, I. T., [redacted]

I, the undersigned, a Stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of application for enrollment of [redacted]

as citizen of the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 2, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 2nd day of October, 1902.

Notary Public.

MARRIAGE LICENSE.

United States of America,
INDIAN TERRITORY,
Northern District } ss. No. 266

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. W. D. Douthitt, of Albia, in the Indian Territory, aged 22 years, and Miss Josie P. Dotto, of Albia, in the Indian Territory, aged 20 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Vinita, Indian Territory, this 22nd day of November A. D. 1901.

(SEAL)

Chas. A. Davidson
Clerk of the U. S. Court.

By T. A. Chandler Deputy.

CERTIFICATE OF MARRIAGE.

United States of America,
INDIAN TERRITORY,
Northern District } ss.

I, Isaac C. Atchley, a Minister of the Gospel, Do Hereby Certify, that on the 26 day of Nov., A. D. 1901, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 27 day of Nov. A. D. 1901.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book B, Page 200

Isaac C. Atchley,
A Minister of the Gospel

To be filed with D. D. 838, Mills L. Brockmeyer et al.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., SEPTEMBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF Francis Marion Dawson, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needleman, testified as follows:

Q What is your full name? A Francis Marion Dawson.
Q What is your age? A I am fifty years old.
Q What is your postoffice? A Vinita.
Q What District do you live in? A Delaware.
Q Who is it you want to have enrolled? A Myself and family.
Q Your wife? A Yes, sir.
Q How many children? A Six.
Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A No, sir; she is a white woman.
Q How long have you lived in the Cherokee Nation? A Since 1883.
Q Were you admitted by the Cherokee Commission? A Yes, sir.

The applicant presents a duly authenticated certificate of admission to citizenship, showing that on the 11th day of January, 1883, certain persons were admitted by the Commission on citizenship, and among them appears the name of F. M. Dawson.

Q That is your name is it? A Yes, sir.

This is received as satisfactory evidence of the facts stated.

Q Have you lived in the Cherokee Nation ever since your admission?
A Yes, sir; in Delaware District ever since.
Q Give me the name of your wife? A Katie Dawson.
Q How old is she now? A Forty-five.
Q Was she admitted with you? A No, sir.
Q Have you married now according to Cherokee law since your admission? A No, sir.
Q You have not remarried since your admission? A No, sir; it was not necessary.

The applicant presents a duly authenticated marriage license and certificate, showing that he was married to his wife, as stated by him, in 1880, by the Reverend N. F. Doubleck, in Carrol County, Arkansas, the license being issued by the Clerk of that County.

These papers are filed herewith.

Q Your wife was not admitted by the Cherokee Commission, when you were? A No, sir.
Q Or at any other time? A No, sir.
Q By act of the Commission or Council? A No, sir: she was placed on the rolls.
Q On the commn rolls? A Yes, sir.
Q Give me the names of your children, please? A Lula.
Q How old? A Seventeen.
Q Next child? A Ray.
Q How old? A Fifteen.
Q Next child? A Jessie Jane.
Q How old? A Fourteen.
Q Next child? A Jacob Lovy.
How old? A Ten.
Q Next child? A Ruth A.
Q How old? A He is eight I believe.

Q Next child? A Laura.
Q How old is that child? A She is four years old.
Q Is that all? A Yes, sir; two of them. I have others, but they are not at home.
Q Are they married? A No, sir.
Q Ever they ever been? A Yes, sir.

1896 Roll, Page 481, 6906, Francis Marion Dawson, DelAware.
1896 Roll, Page 559, 7136, Katie Dawson, Delaware District.
1896 Roll, Page 481, 6907, Lula Dawson, " "
1896 Roll, Page 481, 6904, Ray Dawson, " "
1896 Roll, Page 481, 6905, James James Dawson, Delaware Dist.
1896 Roll, Page 481, 6908, Jacob Levi Dawson, " "
1896 Roll, Page 481, 6907, Hugh A. Monroe Dawson, " "
1896 Roll, Page 481, 6908, Laura Albertin Dawson, " "

Q Is this Lula or Lily? A Lily.

The applicant applies for the enrollment of himself, wife and six children.

Q Were these children all born since you were admitted into the Cherokee Nation? A Yes, sir.

The applicant is shown by the certificate of admission, cited in the testimony, to have been admitted to Cherokee citizenship, by the Commission on Citizenship, January 11th, 1883; he is identified on the roll of 1896, but the representative of the Cherokee Nation desires to make inquiry into the methods of that time, and for that reason, the application of the applicant will at present be placed on a "Doubtful Card." He has lived in the Cherokee Nation ever since his admission to citizenship. His wife was married to him under United States law, and was married prior to his admission: she has never been remarried according to Cherokee law: She has lived with him ever since his admission to citizenship, and she is identified on the roll of 1896. The application for her enrollment will be placed on a "Doubtful Card".

Their six children, as enumerated in the testimony are identified on the roll of 1896: They are living at this time, all having been born since his admission (applicant's). These children will be placed with him on a "Doubtful Card". The applicant's marriage to the mother of these children is established by the marriage license and certificate filed herewith. If any additional papers, adverse are developed in this case, he will be given timely notice thereof.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Cravens.

Subscribed and sworn to before me this 10th day of September, 1900.

(Signed) C. R. Breckinridge,

Commissioner.

BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment
of F. M. Denson and others as
Cherokee citizens.

Depositions of sundry persons in behalf of the applicants for enrollment mentioned in the caption hereof, taken before me, Louis T. Martin, a Notary Public in and for the [illegible] District of the Indian Territory, duly appointed [illegible] acting as such, at the office of C. B. [illegible] in the town of Vinita, [illegible] Territory, on Thursday the fourth day of October 1900, between the hours of one and a half o'clock and six o'clock in the afternoon of said day, in accordance with the agreement in writing, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

T. F. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY C. S. DENISON:

Q State your name, age, residence and occupation?
A T. F. Thompson, 52 years old, I live near Vinita, Cherokee Nation, I. T. I am a farmer.
Q How long have resided in the Cherokee Nation? A All my life.
Q Are you a citizen of the Cherokee Nation as now constituted?
A Yes, sir.
Q Upon what is that citizenship based, blood or otherwise?
A Blood.
Q What, if any official position have you held in the Cherokee Nation, and at what time?
A I was elected to the Cherokee Council in 1879 some odd, I don't remember the exact year, I was also on the Commission Court.
Q Do you remember when that was? A Some time in 1880 or 1881, I think, it may have been earlier.
Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.
Q State, if you remember, how many members of that Commission or Court, there were, and who they were besides yourself?
A There were three, Tehee, Wolf and myself, Tehee was President of the Court.
Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.
Q Did you have a clerk? A Yes, sir.
Q Do you remember who that was? A D. W. C. Duncan.
Q Do you know whether the members of that Commission beside yourself, are living or dead? A Yes, sir, they are both dead.
Q Can you recollect now what period of time that Commission lasted?
A About two years I think, two, sessions, and there was one session each year.
Q Were the sessions of that body held in Tahlequah, open to the public at all times when it was in session?
A Yes, sir.
Q Were the cases coming before that body heard in open session?
A Yes.
Q Witnesses examined orally? A Yes, sir.

Q Judgments of the Court of Commission pronounced in open session?
A In case of decisions I think they sometimes had secret sessions, yes, the judgments of the Commission were pronounced openly.
Q What you intended to convey by you answer to the former question was that after hearing the proof the Commission or Court deliberated in secret session upon the testimony taken before reaching a decision or announcing it? A After hearing all the testimony we went into secret session.
Q I will present you with a paper which the Notary will mark exhibit "A" and a copy of which he will attach to your deposition, and will ask you if with the exception of the certificate of record by M. L. Bradley, Clerk, and John L. Adair Asst. Ex. Secretary, you recognize it as a paper you have ever seen before?
A I recognize the signatures to it, but don't remember the instrument.
Q Which signature on that paper do you recognize? A My own.
Q That signature is in your own handwriting? A Yes, sir.
Q Do you know whether Thomas Tehee, president of the Commission could write in English or not? A No, I don't think he could.
Q How as to Alexander Wolfe, a member of the Commission?
A I don't think he could write either, I don't think either of them ever wrote except by touching the pen.
Q Were you, and are you familiar with the handwriting of D. W. C. Duncan, the Clerk of that Commission?
A Tolerably well, but it has been a long time since I saw any of it.
Q Will you look at the paper again and say whether you recognize his signature attached thereto?
A Yes, that is his signature to the best of my knowledge.
Q Do you preserve any personal recollection of the application before that Commission of F. H. Dawson and other members of the Dawson family, to be admitted as citizens of the Cherokee Nation by the Commission?
A I remember F. H. Dawson and his brother, that is about the only ones I remember.
Q The question was not as to the personal recollection of the individuals, but as to the claim being presented by the Dawsons for admission?
A Yes, there was such a claim before the Commission.
Q Can you state as to the citizenship of Thomas Tehee, whether he was a citizen of the Nation by blood or not?
A Yes, sir, he was always recognized as such, full blood besides.
Q What is your knowledge of Alexander Wolfe?
A About the same, he was also a full blood and recognized as a Cherokee.
Q Judge Thompson, if you possessed or had, or have now any knowledge of any corruption or bribery of the court or Commission, or any member of it by F. H. Dawson or any of the Dawson family or anybody connected with the presentation of their claim for citizenship, state it fully?
A None whatever as far as I was concerned, and I don't think there was by the balance of the Court.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q Do you mean to say Mr. Thompson that your name attached to the certificate shown you is in your handwriting?
A Yes, sir.
Q When Mr. Duncan certified that this is a transcript of the decision in the case, he is mistaken, that is the original?
A No, I don't know, that may be the original; if that is not the original I did not sign it, if it is the original I signed it.
Q You state that the witnesses were examined orally before the Court, don't you know that in almost every case you took ex parte

affidavits of witnesses when those witnesses were not present?
A I think we ruled experts evidence out, as well as I remember.
Q Did you have any stenographer or anybody to copy the evidence?
Mr. Duncan did all of the copying.
Q Was the evidence copied and preserved?
A Yes, sir, I think it was.
Q What was done with that evidence, where was any of it ever put?
A I suppose it is at Tahlequah in the office of the Treasurer or Secretary.
Q When you went into secret session did you have Mr. Duncan read that evidence to you?
A Yes, sir, we went over the evidence thoroughly.
Q Did you allow the applicants or their attorneys admission to any of your secret sessions?
No, sir.
Q When you got ready to render your decisions did you then send for the applicants or their attorneys?
A No, sir.
Q And you rendered them in secret also, did you? A Yes, sir.
Q Have you any recollection who testified in the Dawson case, as to their claim? A No, sir, I have not.
Q Have you any recollection as to who they claimed their Cherokee ancestors were? A Yes, sir, they claimed the Rogers.
Q Did they claim relationship with any of the present families of Rogers residing in the Cherokee Nation?

The applicant objects to this question as tending to elicit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.

A I don't know that they did, particularly.
Q How would your court determine when they claimed descent through some Rogers family, that that family was of Cherokee blood?

The applicant objects to the question upon the same grounds as their objection to the previous question.

A By the evidence they produced.
Q Didn't you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were citizens thereof? A Yes.
Q Who was the attorney for the Dawsons? A Old man Houston Benge.
Q Could either Tehee or Wolfe speak English? A They could understand, but they never spoke English, they had an interpreter.
Q Did you ever talk to either of them as to whether they got anything for decidingthis case? A No, sir.
Q How long were you considering the case altogether?
A I could not say as to that, I think we were on it two or three weeks anyhow, I could not say positively now, they were a long time getting in testimony.
Q There were only two or three witnesses examined all told, were there not?
A I think so, three I think, they had quite a lot of affidavits, but we did not consider them.
Q Well the Court was a good while arriving at its conclusion after the evidence was closed?
A Yes, quite a good while, I don't remember the exact time.

RE-DIRECT EXAMINATION:

Q Do you remember who the interpreter the Commission had during the hearing of the Dawson case.
A His name was Reese, I forget his given name.

Q Do you know whether he is living or dead?
A I don't know, he seemed to be in bad health at the time we had the case up, I think they are all dead but me and Mr. Dawson.
Q What was he, a Cherokee by blood?
A He was considered a Cherokee by blood.
Q Do you know where he lived at that time?
A No, sir, he lived in the South part of the Nation though, I think in Sequoyah.

(Signed) T. F. Thompson.

Copy of Ex. 'A' to T. F. Thompson's testimony.

CERTIFICATE OF RECORD.

United States of America,
Indian Territory,
Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, her by certify that the instrument hereto attached was filed for record in my office the 9 day of March, A. D. 1893, at 10-30 o'clock A. M. and duly recorded in book C. Micl Record Mortg. & Liens, page 339.

Witness my hand and seal of said court at Muscogee, in said Territory this 16 day of March, A. D. 1893.

(SEAL)

M. L. Bragdon,

Clerk.

Transcript to which this is attached, endorsed on back as follows:

"No. 108, Robt. Dawson et al, VS the Cheroke Nation, Transcript of Judgment, Filed Mar. 9, 1893 10-30 A. M. Marshall L. Bragdon, Clerk.,

OFFICE OF COMMISSION ON CITIZENSHIP,
TAHLEQUAH, CHEROKEE NATION, JANUARY 11th, 1883.

No. 108

Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, Rial Dawson,

VS,

The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1883, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship, that the claimants, Rob't Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson. Molly Dawson, Wilbron Dawson, James Dawson, and Rial Dawson, are Cherokees by blood; and that they are entitled to all the rights and priviliges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they should be, and they are hereby

admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. W. C. Duncan, Clerk of Commission. } Thomas Tehee, President of Com. Alex Wolf, T. F. Thompson, } Commissioners.

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears of the record in my office.

D. W. C. Duncan,
Clerk of Commission.

January 11th, 1883.

Executive Department,
Tahlequah, Cherokee Nation,

January 11th, 1883,

I hereby certify that the within named Commission on Citizenship, composed of Thomas Tehee, President, Alex Wolf and T. F. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and Commissioned Commission on Citizenship, and that their actions as such are legal and binding.

Witness my hand the

Witness my hand and the seal of the Cherokee Nation, on the date above written.

John L. Adair,
Asst. Ex. Secretary.

United States of America,
Indian Territory,
Northern District,

I, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. F. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. F. Thompson, L. T. M. - N. F. Oct. 4, 1900. The foregoing copy having been carefully compared by me with the said original.

Given under my hand and seal of office as such Notary Public, this 4th day of October, A. D. 1900.

(SEAL) (Signed) Lewis T. Martin.

Notary Public.

My commission expires Feb 3rd. 1903.,

D. F. C. Duncan being produced by the applicants after being sworn to testify to the truth, the whole truth and nothing but the truth testified as follows:

DIRECT EXAMINATION BY C. B. DENISON:

Q Please state your name, age, residence and occupation?
A My name is D. F. C. Duncan, my age is 70 years, my residence is Vinita, Indian Territory, my occupation is a farmer.
Q How long has that been your place of residence? A Since 1874.
Q Are you a member of the Cherokee Nation as it is now constituted?
A Yes, sir.
Q Upon what is your citizenship based, a Cherokee by blood?
A Yes, a Cherokee by blood.
Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?
A About that time I held the position of Clerk of the Citizenship Court or Commission.
Q If you remember the names of themembers of that Commission or Court, please give them?
A The President of the Commission was Tehee I believe, and a member by the name of Wolfe whose first name I do not recollect, and Mr. Thompson here.
Q T. F. Thompson?
A Yes.
Q Do you know whether those three members of that Commission were recognised citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?
A They were supposed to be citizens of the Cherokee Nation and their citizenship was based upon their blood.
Q Will you please look at the paper now handed you which the Notary has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will attach to Mr. Thompson's depositions, and state whether with the exception of the certificate of H. L. Bragdon, Clerk, and of John L. Adair Asst. Ex. Secretary, you recognize the paper as one you have ever seen before?
A Yes, I think I have seen this before.
Q When, and where, if you remember, did you first see that paper?
A This is a paper I drew up at the time I was acting as clerk of the said Citizenship Court.
Q Looking at its date, was it drawn at you at the time it bears date?
A To the best of my recollection it was drawn at the date specified.
Q Do you recognise the signature to the certificate attached to that paper?
A Yes, that is my signature.
Q State if you know, in whose handwriting the body of the paper is?
A It is in my handwriting.
Q And at that time you were Clerk of that Commission? A Yes.
Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and state if you can, by whom they were written?
A I think the first two in my handwriting, the last I recognize that as T. F. Thompson's.
Q Explain please, how you came to write the signatures of Thomas Tehee and Alex Wolfe to that paper?
A Thomas Tehee and Alex Wolfe were full bloods and could not write, and in their presence, and at their request I wrote their signatures.

Q Was that the usual manner of certifying to the action of the Commission to applicants as to the decision of their application for citizenship, where admitted?
A In all instances where it was necessary for the Court to sign a paper of any kind it was adopted by that Court for the Clerk to sign Tehee's and Wolf's names and T. F. Thompson to sign his own name.
Q You didn't catch exactly my idea, but perhaps that answered it, what I intended to call you attention to, was whether when applicants had been admitted to citizenship a paper of this kind now shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?
A My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was entered upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.
Q If you had any knowledge at the time the application of the Dawson family, F. M. and others whose names are mentioned in that paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. M. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?
A I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind is what has originated recently, since the enrollment business has been inaugurated

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q If as you certify, this paper was a transcript of the record, why did you have the judges sign it?
A I know no reason further than that was the practice at that time, the members of the Court being present I presume it was thought it would be as good or better than the signature of the Clerk.
Q Examine that signature of Mr. Thompson, examine the first T in his name and the T in Tehee's name and see if it is not all your own handwriting?
A No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accidant.
Q Has the evidence taken in those cases?
A It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q Do you know whether that evidence is in existance or not?
A I do not, the last I saw of it was when I turned the records over to the Executive office at Tahlequah, and I have not seen it since.
Q You say you never heard any talk about this being an improper case until very recently?
A Well that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can safely say that did not

Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross-examination.

A They claimed their right of citizenship through a man by the name of Rogers, I don't recal ect his first name.
Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?
A I do.

(Signed) D. W. C. Duncan.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do certify that the foregoing depositions of T. F. Thompson and D. W. C. Duncan were taken before me at the time and place and in the action mentioned in the caption, and said T. F. Thompson and D. W. C. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence; the claimants being present in person and by their attorney C. B. Denison, and the Cherokee Nation being represented by W. T. Hutchings Esquire its attorney,.

Given under my hand this 4th day of October, A. D. 1900.
(SEAL)

(Signed) Lewis T. Martin.

Notary Public.
My commission expires 2/3/1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1902.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation. He being sworn and examined by the Commission, testified as follows:

Q What is your name? A Francis Marion Dawson.
Q How old are you? A Soon will be sixty years old.
Q What is your postoffice address? A Afton now, it used to be Oseuma.
Q What was the name of your wife? A My first wife was Julia Ann Howard.
Q She was a white woman? A Yes, sir.
Q When were you married to her? A I think it was the 8th of January, 1884.
Q Where were you living at that time? A In Arkansas.
Q Who married you? A A man by the name of Dave Sturdy.
Q Was he a preacher? A Yes, sir.
Q A Minister of the Gospel? A Yes, sir.
Q Did you and she live together as husband and wife up to the time of her death? A Yes, sir.
Q Did you have any children by her? A Yes, sir.
Q What are their names? A Willie R. Dawson.
Q The next one? A Francis Marion Dawson Jr.
Q The next one? A Johnnie.
Q The next child? A Elizabeth.
Q The next one? A Arizona Allred.
Q Those are all the children you had by your first wife? A Yes, sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Joseph R. Dawson.
Q How old are you? A I will be 51 the 13th day of June.
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes, sir.
Q How are you related to him? A Brother.
Q Did you know his former wife, Julia? A Yes, sir.
Q Is she living or dead? A She is dead.
Q Was she a Cherokee or white woman? A I couldn't say what; Mr they married in the states.
Q Do you know when he was married to her? A Yes, sir.
Q When was it? A About the close of the war.
Q Who married them? A Parson Sturdy.
Q Were you present when they were married? A Yes, sir.
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes, sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:
Q What is your name? A John K. Stevens.
Q How old are you? A 58 years old.
Q What is your postoffice address? A Afton.
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes, sir, as we call him, Mid Dawson.
Q How long have you known him? A My first acquaintance with him was in '61.
Q Did you know his first wife, Julia? A Yes, sir.

Q Do you know whether or not they were married? A Yes, sir, they were married.
Q Were you present at the marriage? A No, I wasn't present at the marriage.
Q Did you see them some before their marriage? A Yes, sir.
Q Did you continue to see them for any length of time afterwards? I knowed them [illegible].
Q During the time you knew them did they live together as husband and wife? A Yes, sir.
Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following Cherokee cases:
Arizona Allgood et al D-835, John Dawson, D-660, William R. Dawson D-581, Lizzie Dawson D-584 and Francis M. Dawson Jr. D-588.

—o—

I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) E. C. Rothenberger.

Sup. C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 17, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS M. DAWSON, ET AL., as citizens of the Cherokee Nation:

The case having been set for final hearing March 17. 1902, the following proceedings were had:

APPEARANCES:
Mr. A. S. McKennon, of counsel for applicants;
Mr. W. T. Hutchings, of counsel for Cherokee Nation.

Mr. Hutchings: Comes now the Nation on the calling of this case and announces that it is ready for trial, provided permission is given to hereafter examine before the Commission, either at this place or Fort Gibson, the witness S. H. Benge, who has been regularly subponed to attend at this day and time but who is too sick to travel at this time and probably will be for some time to come. As evidence of a good faith of the Nation we hereby present an affidavit of the facts sought to be proven by the said Benge. If the applicant's counsel are willing to concede that the witness if present would testify to the facts herein set forth, the Nation is ready to proceed to trial withoub reservation of any kind. If they are not it desires to reserve this privilege of hereafter, either tomorrow or otherwise, this case being set for to-day and tomorrow, of examining before the Commission, or its authorized officer, this witness as above set forth.

Mr. McKennon: Applicants object to the introduction of the paper presented and do not admit that the witness, Samuel H. Benge if present would testify to the facts therein stated. They consent and desire that the testimony of said Benge be taken before the Commission at its office in Muskogee but not elsewhere, and protest against it being taken at any other place, with the understanding, however, that when taken we have opportunity to introduce any evidence we may desire in rebuttal.

Mr. Hutchings:
The Nation will pay all the expenses of the opposing Counsel, their client and Commission officers in taking the deposition at Fort Gibson.

Commissioner Breckinridge: The allegations of this witness are material in their character and are quite tangent. The Commission of its own volition would acquire information of that character if it knew of its existence anywhere. While the functions of the Commission as well known are in many respects judicial, yet it is bodied with somewhat complex powers, such as Congress creates from time to time to do business of certain character, and it is ordered to make a correct roll, which is a duty largely independent of hearing simply what is brought before them; it must be the architect and constructor of that roll and if evidence is not brought before before the Commission it must go out and get it, to be uniform on that construction of the law. The Commission, therefore, desires this information independent of any counsel on either side both with respect to the applicant and to the Nation, and if this witness is

is not able to come one of the Commissioners will go to Fort Gibson and to his bed-side, or some a proper official, if necessary to take his testimony. The only matter to consider, therefore, is one of convenience with respect to getting this testimony. Now, I understand that this witness is an extreme sufferer from Bright's Disease he is an old man and he may never be able to get out of the house, and it may be an injustice to him to subject him to a trip here, and therefore it seems to me better that counsel for plaintiff submit to a form of taking a deposition or else accompany an official of this Commission over to Fort Gibson and let his testimony be taken there.

After consultation with the attorneys upon the two sides it is found to be agreeable that the parties start to Fort Gibson to-morrow morning at half past eight o'clock, and it is agreed then and directed with an official of the Commission with a stenographer leave from the office of the Commission for Fort Gibson at 8:30 to-morrow morning.

FRANCIS M. DAWSON, the applicant, re-called for additional cross-examination on part of the Cherokee Nation:

MR. HUTCHINGS:

Q What is your name? A Francis M. Dawson,
Q Where do you reside? A In Afton.
Q You have been examined in this case heretofore, have you?
A I don't know which case it is.
Q In your own case? A Yes, sir.
Q Are you the one that is commonly called Bud Dawson? A Yes, sir.
Q You made the original application in the Dawson family for admission to citizenship in the Cherokee Nation, didn't you? No, sir; my brother.
Q What was his name? A A. B. Dawson.
Q You and Robert Dawson and Elbert Dawson and others applied September 24, '81, about that time? A Yes, sir.
Q And you were admitted about the 11th of January '83? A Yes, sir.
Q There were other members of your family that applied and were admitted after that time? A Yes, sir.
Q Do you or not remember the evidence offered in their to substantiate their cases was the relationship between yourself and Robert and others and the evidence of your admission by the Tah Court. In all the subsequent admissions I mean the only evidence of proof was the fact that you and your brothers had been admitted before and that they were kin to you; that was the only evidence of proof in any subsequent cases, wasn't it; so far as you know?
A That is afterwards?
Q Yes, afterwards? A I think there was some other evidence introduced.
Q Don't you know that there was never any evidence of proof in any other case except evidence of Dr. Baker of Arkansas? A Yes, sir.
Q Who else? A Oliver Miller.
Q Who was Oliver Miller; the records in this case have been somewhat destroyed and mutilated? A Oliver Miller lived in Mr. Cross.
Q What was he, who was he? A He is no kin to me at all.
Q Well, what station in life did he occupy; was he a farmer?
A Yes, sir, farmer.
Q Were you present when he testified? A Yes, sir.
Q Were you present when Dr. Baker testified? A Yes, sir.

Q Have you a fair recollection of the testimony of those two men?
A No, not at all.
Q You don't read do you, Mr. Dawson? A No, sir, I dont read nor write; I can barely write my name.
Q Do you think you would remember the testimony of Mr. Baker if your mind was refreshed on it? A Part of it I think.
Q Were you present when you were admitted? A I was not in the room.
Q You were in Tahlequah at the time? A I was in the town of Tahlequah at the time.
Q I will read this paer to you and desire for you to say whether or not it was the testimony of Dr. Baker in your case:
(Affidavit of Dr. Arthur Baker read to witness, and asked to be copied in the record later.)
Q Is that the correct transcript of the testimony? A It has been so long ago, I could not say; a part of it is, I could not remember it all.
Q Does that state the facts as to the family history correctly so far as you know about it? A So far as I know.
Q Now, you were a son of what Dawson? A Robert Dawson.
Q How many children did Robert Dawson have, and give me their names?
A Elbert Dawson, the oldest; Lila, Jesper, Francis Marion-
Q That is yourself? A Yes, sir; Elizabeth Dawson, Josephine Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson, Edna Dawson, Mollie Dawson, Wilburn Dawson.
Q Thirteen? (No response.)
Q Now, Rober Dawson's father was whom? A Sam Dawson.
Q Who was Sam Dawson's wife, your grandmother? A I have been told.
Q By family history is all you know? A She was called Polly Dawson.
Q Who was Anna Pruitt? A I don't know.
Q Never heard of anybody in the family by the name of Anna Pruitt? A No, sir, that was away back in the old country; I have heard talk about it, old Dr. Baker talked about it.
Q Your grand-mother's name was Polly Dawson? A Yes, sir; I don't remember seeing her but once, she died when I was small, died in Texas.
Q Pollie Dawson? A Yes, sir.
Q Ans she was known to be Pollie Rogers, her maiden name? A Yes, sir.
Q Daughter of Captain John Rogers? A Yes, sir.
Q Now, she died in Texas what time? A I don't remember.
Q Can't you guess at it? A Oh, I could guess.
Q Give your best recollection? A About '58 or '59, or no, '46 or '49; I don't say positive, just guessing at it.
Q How old a boy were you then? A I was born in '42.
Q Have you any distinct recollection of her? A No, sir.
Q Have you any recollection of all the children of Sam and Pollie Dawson; that is, your father, uncles and Aunts? I didn't see all of them.
Q Do you know by family history the names of all of them? A Yes, sir.
Q Will you give them to me?
A Betsy Ann Dawson, I believe her name was.
Q Did she marry a Petty? A Yes, sir; the next is Robert Dawson.
Q Your father? A Yes, sir.
Q Next one? A I think the next was James Dawson, and I think the next one was a girl, Edna Dawson.
Q Did he have two daughters? A Yes, sir.
Q Well sir? A The next one was Joe Dawson. I never saw him; Riley Dawson.

Q That is Samuel R. Dawson, Riley Dawson? A Yes, sir.
Q Any other one? A That is all I know anything about.
Q Did he have any child by the name of John? A Yes, Jack.
Q Didn't your pa's Jack misplaced with Joe? A No, it was Joe; I have heard my father speak of Mir.
Q Then they have seven children? A I never see them all.
Q How many of them did you ever see? A I seed uncle Riley Dawson and James Dawson and Jack Dawson and Betsy Ann Petty; I don't think I saw but one of Pa's sisters and brother, they went to Mississippi I think.
Q Do you know what your family history says that the mother of your grandmother, Pollie Rogers' name was? A We have no history.
Q Well, as it was brought down to you; did you ever hear anybody say what your great grandmother's name was? A No, I don't remember.
Q What is that other man, Oliver Millerthat testified in your case? A He testified in James Dawson's case; he never testified in my father's case.
Q Well, didn't anybody testify in your case but Dr. Baker?
A Yes, sir, several other witnesses.
Q Who were they? A I don't remember; my mother got them witnesses around Tahlequah, old people.
Q Were you present? A No, sir.
Q You were only present when Dr. Baker testified? A Yes, sir.
Q Now, do you find any mistakes in Dr. Baker's statement there? A I could not say all of ther was correct or not, part of it is correct.
Q What part is correct? A Say about knowing the family over there.
Q Who is Buck Dawson? A My brother.
Q What is his name? A We always called him Buck, it is Elbert, E. Dawson.
Q Who went with you the first time you went up to make application for citizenship do you remember? A With my brother.
Q The first time? A I met my brother in Texas.
Q Which one? A E. Dawson.
Q That is Elbert or Buck? A Yes, sir.
Q You were living in Arkansas? A Yes, sir.
Q And he was living in Texas? A Yes, sir, and another one of little brothers, Dr. Dawson now:
Q Dr. Dawson now? A Yes, sir.
Q What is his name? A James.
Q And you three went there? A Yes, sir.

Mr. McKennon: Applicants by their counsel object to all the statement of the witness relating to the testimony introduced before the Cherokee Citizenship Commission, and the history of the family as detailed by him, because the same is incompetent and irrelevant, and cannot be used for the purpose of impeaching the integrity of the judgment of said Commission, or either of the Commissioners in admitting members of the Dawson family.

Commission: The objection of the Attorney for the applicants to the testimony above will be noted. The same will be filed and noted for what it is worth.

(Attorney for applicants waives examination.)

C. H. TAYLOR, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A C. E. Taylor.
Q Where do you reside, Mr. Taylor? A Near Coffeyville.
Q Were you an attorney before various citizen Dawes Courts along in '21 to '32 in the Cherokee Nation at Tahlequah? A Yes, sir.
Q Were you attorney for F. H. Dawson et al only known as Bud Dawson?
A Yes, sir.
Q Were you present at the taking of testimony in that case? A No, sir; I wasn't present.
Q Do you know who composed the court that decided the case at that time? A Yes, sir.
Q Who were they? A Tom Reed and Alex Wolfe and Tony Thompson.
Q Do you know whether or not they were all there when the case was decided? A No, sir, there were only two of them present.
Q Which two? A Reed and Wolfe.
Q Who was the Clerk of the Court at that time? A Mr. Duncan, D. W. C. Duncan.
Q Do you know what witnesses were used in the case of Bud Dawson?
A No, sir; now I was the attorney in the case and the evidence had already been filed before the Court.
Q When were you made attorney? A I was only called in as an attorney at the— Well, Mr. Duncan came down there, and Mr. Bryant had the case and several other attorneys had the case and he employed me.
Q Did you read the evidence in this case? A No, sir.
Q Did you deliver any money? A Now, I was the attorney in the case and I don't think it would be right for me to make any statement.
Q Now, you have claimed your privilege, I ask that you answer the question? Did Dawson ever hand you any money with the direction to pay it to either member of the Court or the Clerk of the Court, D. W. C. Duncan, and if so state the amount? A I had a heap of trouble over this matter.—

Commission: Just answer the question, Mr. Taylor.

A Being the attorney I don't believe it is right for me to answer that question.

Commission: Do you refuse to answer? A Yes, sir.

Q Did the matter to which you object to testifying occur prior to the rendition of the decision admitting to citizenship or afterwards? (No response)

COMMISSIONER BRECKINRIDGE:

Q Do you desire to reply to the last question? A I don't think it is right; I was attorney in the case.
Q Mr. Taylor, do you object to answering that question? A Yes, sir.
Q You refuse to answer that question, do you? A I had rather not answer it.

Q Either answer it or say you won't answer it? A I had rather not answer it.
Q Mr. Taylor, you have answered a number of questions down to this point, but it is at this point that you prefer to plead your privileges, as an attorney, to you? A Yes, sir.

Com'r Breckinridge: The power in regard to these matters is lodged in the United States. The Court is clothed with special power with reference to matters which arise through this Commission. Of course the Commission desires and the Government needs for the sake of a correct roll the fullest information possible, but it is subject to the limitation of law, and it is not for this Commission to decide of the law in a matter of this character with any authority as I understand it at this time, but to report the matter to the United States Court and let the Court pass judgment.

Under Section 21 of the Curtis law as it is commonly called Act of June 28, 1898, the members of the Commission shall in performing all duties required of them by law, have authority to administer oaths, examine witnesses and send for papers and persons, and the court is clothed with authority to enforce obedience. The law having enumerated certain powers goes on to say so far as all others are concerned to enable said Commission to make rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work. Now, the Commission will report the facts to the United States Court and let the Court decide whether or not you are within your lawful privilege. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what what is commonly considered a matter of privilege--according to an authority referred to by an attorney, but the enforcement of an answer seems clearly to be a matter for the Court to deal with.

Q Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct that you make answer, and if you refuse I shall report the matter to the United States Court: do you refuse? A Yes, sir.
Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer; viz: as to whether Mr. Dawson sent you money to pay to the Court or to any officials of the Court, it seems to come to the question as to whether there was any collusion between you and Mr. Dawson and any member of the Court; now, I understand that you refuse to answer that question upon the grounds that you were Mr. Dawson's attorney? A Yes, sir.
Q Now, I require that you answer that question, do you refuse?
A Yes, sir.
Q I shall also report that refusal to the United States Court as it seems to come under the provision of law, relating to conspiracy between you and Mr. Dawson which apparently considered a privilege matter, and you base your refusal now, not upon the ground that you are incriminating yourself, but that you were counsel for Mr. Dawson. I will report the matter to the Court and you will be informed at the time of any proceedings in the matter I caution you not to talk with Mr. Dawson or may of the applicants in this case.

Mr. McKennon: Applicants do not object and have not objected to the witness answering on account of his privilege as an attorney or for any other cause whatever, they only want to object to the incompetence and irrelevancy of the testimony, with the privilege of cross-examining upon any testimony given by the witness.

COM'R BRECKINRIDGE:
Q You still refuse having the consent of the attorneys in the case to make answer? A I will just ask your Honor to let the matter go over until morning.

Commissioner Breckinridge: It will rest until the morning at its present status: It is after business hours now.

As for the objection made by Captain McKennon, Counsel for the applicant, it will be taken into consideration, but will not be granted at the present.
(The Commission adjourns until 1:00 P. M. to-morrow afternoon, March 13, 1902.)

Supl.-C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., March 10, 1903.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS M. DAWSON ET AL., as citizens of the Cherokee Nation:

Appearances:
Mr. A. S. McKennon, of Counsel for Applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

SAMUEL H. BENGE, being duly sworn, testified as follows on part of the Cherokee Nation:
W. T. HUTCHINGS:

Q State your name? A Samuel H. Benge.
Q Where do you reside? A Fort Gibson.
Q How old are you? A I am 70 years old, going in 71.
Q Are you a citizen of the Cherokee Nation? A Yes, sir: Cherokee by blood.
Q State what official position you have held in the Cherokee Nation and what your general connection with the Nation officially in the last 40 years? A Well, I had several: I have been Sheriff, Councilman, Senator, Delegate to Washington; had a hand in making the treaty of 1866, I am the only one living that signed that treaty: President of the National Council of different tribes of Indians.
Q Were you acquainted with F. M. Dawson, commonly called Bud Dawson? A Yes, sir; I knew him.
Q State you connection with and what you know about his citizenship case before what is known as the Thomas Tehee Citizenship Court? A Mr. Dawson come down, I was living down below here, he come and employed me to tend to his case and we went to Tahlequah, I believe if I ain't mistaken in 1891 and filed his case there; we went several times and continued his case on for the want of evidence, and finally while we was up there we run across one old darkey by the name of Tosh Rogers; we got his testimony and after we got that testimony we concluded that it was sufficient to go into the trial with. Tosh lived here at Fort Gibson, he was a horse trainer down here and stayed here; he claimed that he knew the Rogers and belonged to one of them and after that we thought we had sufficient evidence we submitted our case to the Court for trial, and the Court went to work and rendered a decision against Mr. Dawson. I told Mr. Dawson right there that "our case is dough", just made that remark, and he just made the remark "never mind", and next morning they taken up his case again and they rendered a decision in his favor. I filed no motion nor any evidence at all whatever; I give the case up right there and the decision was then given in his favor, and on our way back from Tahlequah, why we got to talking about the case and I told him: "it was a pretty hard blow to me, they rendered that decision against us." He said: "yes, but Duncan was too much to reach", but he reached him with five hundred dollars.
Q What position did Duncan occupy? A He was Clerk of the Court.
Q Duncan an educated man or—? Yes, sir; he was an educated man.
Q Who were the members of the Court? A Tom Tehee, Alex Foreman and Tom Thompson.
Q How many of these could speak English at all? A One.
Q Which one? A Thompson.
Q Who was the Attorney that represented the Nation in those cases? A Thy Summers.

Q What was his given name? A Wilson Sanders; was it Wilson Sanders?
A Wilson Sanders.
Q Was he an educated man, or could speak English well? A No, sir.
Q Did Mr. Dawson say anything about the matters having cost him a good deal of money? A He said it had cost him a right smart.
Q Was any remark made on the way back about the opening up of the case, and if so, what? A He asked me if I thought the case was ever investigated prentially and I told him I didn't know.

MR. McKENNON:

Q Were you ever a witness in the Dawson case, Judg , in any of those investigations that have been made since that time? A I don't know that you might call it a witness; that young man came to me once at Tahlequah, and asked me to help him up there that the case was going against him, him and his mother and all was about knocked out and I interceded and done what I could there before the Committee. I was not a witness but that is at I don't for him.
Q That was Mr. Graham, wasn't it? A Yes, sir.
Q Have you had conversations with Mr. Grahar since that time about it? A Now, I might, I don't recollect, I might have had conversations with him.
Q Well, after the Dawes Commission began taking a census of the Cherokees and when they were about Sallisaw down here, did you have a conversation with him here in Fort Gibson about the matter? A Now, I just can't tell you; I have seen him on several occasions, but the conversations we might have had I can't state.
Q To refresh your memory I will ask you if he did not tell you that they were making a fight on the Dawson family and he wanted to know of you whether that judgment in favor of Robert Dawson's family was fairly rendered, and did you not then tell him that it was all right, that it was fairly obtained? A Not as I recollect of; all he said; that is as I have stated he talked to me in regard to his father, himself and probably his brothers and sisters, I don't recollect how many there were, but he told me they were rejected, that is just the words he used.
Q The ? A It has been sometime go.
Q Were in Fort Gibson? A Well, that is I saw him here in Fort Gibson, and then I saw him in Tahlequah.
Q Well, did h here in Fort Gibson ask you particularly about the Robert Dawson judgment, as to whether it was fairly obtained or not? A No, sir; he was basing h's claim on the Dawson case, that is the way he-
Q That is the principal Dawson family? A Yes.
Q When was this other written st tement here made, when was this made by you? (referring to affidavit heretofore referred to.)
A Yesterday I reckon.
Q Who came to take this? A Mr. Starr.
Q Who else was present when this was taken? A No, sir.
Q From had you told about this matter, Judge? A No one as I know of.
Q Do you know how it was that they knew that you knew this?
A No, sir.
Q You never made any statement? A Never made any statement that I recollect of except I might have talked with Scales, we and him talked about these cases a good many times; if I ever made a statement it was to Joe Ab Scales.
Q How did Mr. Starr know? A I could not tell you how Mr. Starr knew.

Q He came alone here as a Notary Public? A He came alone here as a Notary Public. All he said when he come, he says "we understand that you know something in regard to these cases", I said " what [illegible] he went to work and named Shoemake case and Dawson case.
Q And thereupon you made this tatement? A He said he wanted to [illegible]
Q You say certain Judge that after the rendition of tat judgment [illegible] came back here to Fort Gibson with you?
A [illegible]; we was together.
Q I will ask you if it was not a very cold day when he came here [illegible] over ahead of you and you went over to Tahlequah the [illegible] after he left? A My recollection was he and I [illegible]
Q [illegible] returned here together? A Yes, sir.
Q [illegible] leave you there and go back direct to Arkansas?
A [illegible] we come here together. If my memory serves me right, I might be mistaken but then I don't believe I am, he came from [illegible] calls up here to my house, that is according to his statement.
Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.
Q [illegible] they pay you? A Paid me the money.
Q Who paid it to you? A Dawson there and that fellow, young [illegible] paid me some.
Q Mr. Graham? A Yes.
Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.
Q I will ask you if Mr. F. M. Dawson here did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you $50 that they paid you? A No, if I ever got a letter of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over i Arkansas, but not living down in Texas, I don't know about it.
Q Where did he pay you the money? A Paid it here at home.
Q Before you went out? A He paid me fifty dollars before we [illegible] and when we went up yonder he paid me fifty dollars more; [illegible] right to know what I got, I got one hundredn dollars.
Q [illegible] acting as his attorney in the case? A Yes, sir.
Q [illegible] judges were there present when the judgment was rendered? [illegible]
A [illegible] A Well, according to my recollect there was all [illegible] if they were not all there, Tom Thompson was sick. [illegible] life.
Q [illegible] you remember that they were all present? A No, I think [illegible] present though.
Q [illegible] he was present at the time? A Oh, I could not tell you, [illegible] several people in the house; could not tell you at all.
Q [illegible] there several in the house the evening before the judgment [illegible] against them as you say? A Yes, there were several in [illegible]
Q [illegible] several in the house when the judgment was rendered the next day? A I don't know how many there was.
Q Do you remember the names of any of them? A Why not exactly, [illegible] Woods.
Q [illegible] didyou remain out at Tahlequah on that trip?
A I [illegible] there about three days.

Q Tending to this case alone, or did you have other cases? A no, sir.
Q Do you know of your own knowledge that the judges received any money (this question asked at the instance of Mr. Graham present) A I don't know whether the judges received nay or not.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

March 18, 1902. Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. H. TAYLOR takes the stand and continues his testimony.
BY MR. HUTCHINGS:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today; have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held as in contempt of the Court.
Q You would be held in contempt and the other Court would make you answer? A That being he case of course I would make a statement.
Q Are you acquainted with D. W. C. Duncan, the Clerk of what is known as the Tehee Citizenship Commission Court? A Yes, sir.
Q Did you ever have any conversation with him about letting him know of the different character of cases that would come up before the Court that you knew of, whether they were good ones or bad ones? A No, the only thi g that ever come up in that respect; he asked me if whatever large cases that would come up befor the Court to let him know.
Q Did you have any talk with him about the Dawson case during the progress of its trial or before and ever introduced Mr. F. M. Dawson to him, or carry him to him? A I spoke to him when Mr. Dawson came to Tahlequah to see about his case, and he said that he would take the papers over to his room, the Dawson papers.
Q Did you see him again that night? A Yes, sir; after supper I went down to his room.
Q Did he ask you about the Dawsons or Dawson case? A He asked me where Dawson was.
Q Which Dawson are you referring to now, F. M. Dawson, known as Bud Dawson? A Bud Dawson.
Q Well, what didyou reply to him? A I told him that I thought he had gone to church.
Q Did you find Dawson after church? A Yes, sir, he told me to come and bring Dawson down and I did so; Dawson was in church.
Q You carried Dawson to him? A Yes, sir.

Q Did you remain during the conversation? A Only a minute.
Q What was said if anything while you were present? A Mr. Duncan spoke to Mr. Dawson and says "there is a hitch in your evidence."
Q Go ahead and state what else he said? A He said "if that was straightened out it would be all right," and I turned and went away, I says, "gentlemen, I will go home."
Q Did you know of their having any other conversation or communication after that? A No, sir.
Q You left them there together yourself? A Yes, sir.
Q Did Mr. Dawson give you any directions the next morning about submitting the case? A Yes, sir, he asked me to call it up the case.
Q The next morning? A Yes, sir.
Q Had there been any additional evidence offered? A No, sir; there was not additional testimony offered.
Q He told you the next morning to call up the case? A Yes, sir.
Q Was it called up and submitted the next morning? A Yes, sir.
Q Now, how many of the members of the Court were there present that morning? A There were only two, two full-blood Indians.
Q Could they speak english at all? A Tehee could talk a little, talk some.
Q Did that Court have open sessions all the time or what is called executive sessions sometimes? A Well, I don't remember about that; it was generally when the case was submitted the attorneys would go out. The parties would go out and they would determine the case.
Q Well, did they go out into that sort of executive session the next morning on the Dawson case? A Well, we went out when the case was submitted.
Q And was the decision rendered that morning in their favor?
A Yes, sir.
Q Who notified you of the decision of the Court? A Why, Mr. Dawson.
Q Do you remember whether he went out with you or was in there during the consideration of the case? A I think he went out with me.
Q Did you at any time thereafter receive any money, checks or other evidence money from Mr. Dawson with direction to turn it in part over to D. W. C. Duncan, the Clerk of that Court? A Mr. Dawson gave me 20 dollars and said he would send the balance in a short time, said he would send some more money in a short time.
Q Well, did he send any money afterwards? A Yes, sir, in the course of ten days or two weeks he send a hundred dollar check, draft.
Q What did he direct you to do with it? A He directed me to give D. W. C. Duncan half of it.
Q Did you give him half of it? A Yes, sir.
Q Did he send you any at any other time after that? A Well, in the course of a couple of weeks he sent me a hundred dollars more.
Q Did he direct you to turn any of that and if so how much, to D. W. C. Duncan? A He told me to give him half of it,
Q Did you give him half of it? A I did, sir.
Q Do you remember whether on Dr. Arthur Baker was the principal witness in behalf of the Dawson case? A No, sir, I don't because I never had any connection with the case, but I heard that he was a witness in the case.
Q No argument was made when you submitted the case? A No, sir.
Q Just submitted it on the testimony? A Yes, sir.

MR. McKENNON:

Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Were you born and reared in the Cherokee Nation? A No, sir; I was born in the old Nation.

Q When did you come to the Cherokee Nation? A Come here in 1355.
Q How long have you been practicing law in the Cherokee Nation?
A I think since '68.
Q You have done a great deal of citizenship business haven't you?
A Yes, sir.
Q You were in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.
Q Were you convicted there? A Yes, sir; I was convicted there on this very case.
Q And served a term of what length? A I was sent to the jail hospital for sixty days and I stayed in about 38 or 39 days, and I was released.
Q When was that? A I don't remember how long ago it has been.
Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention; Clem Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.
Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the mail for fraudulent purposes.
Q Sending out propositions and obtaining case for citizenship for people [illegible] Cherokee Nation? A No, sir, it was for answering correspondence.
Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went before the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.
Q Well, now, was the charge based upon that or was it based upon your letters you sent out to other people? A That was the charge for using the mail for fraudulent purposes.
Q The use of the mails for fraudulent purposes not in connection of this case was it? A Not particular of this case.
Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is what you mean to say? A Yes, sir.
Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.
Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.
Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.
Q Yet when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occured between you and your client, Bud Dawson, in relation to this matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.
Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he summoned me and I come down here and I didn't want to make a statement to him but he insisted.
Q He had no power to compel you to make a statement? A No, sir.
Q You could then make it very freely and your conscience did not hurt you, but when you came on the stand you were very conscientious about it? A I didn't want to make a statement at all unless I would be put in jail here if I didn't.
Q But you had armed them with information by which they could ask you these questions when you came on the stand? A I had told Mr. Hastings.

Q You knew when you gave him that information that you would be brought on the stand as a witness, did you not, by reason of that?
A No, I didn't know that I would be compelled to make a statement in the matter, a sworn statement.
Q You thought you would not be compelled to answer?
A I didn't think the law would compel me to make a statement.
Q Why then did you make a statement to him about it? A Oh, he was asking me about it, and I told him that I didn't want to make a statement, and I didn't for quite a while after I came down here.
Q When the enrollment division of the Dawes Commission was in Tahlequah, in the winter of 1900, did you not there meet F. M. Dawson and did you not then and there say to him "I told Shoemake I would be for him if he would employ me in his case and if he didn't I would be against him, and the same to you?" A No, sir; I said to him this: I says that if there is not something done that I will likely be summoned against you and Mr. Shoemake both.
Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it. I was going out of town just as he came in.
Q When you told him if something was not done you would be summoned as a witness against him; what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.
Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?
A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your client to you in one instance, but if a little more money was put up you could not be required to make a statement; is that what you mean? A I didn't think I could be forced to make a statement at all in the matter.
Q Why didyou make that expression to him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I meant if I was employed in the case.
Q If he would put up you would not testify? A That they could not force me to testify.
Q About the month of February, 1901, in the town of Pagoner, Indian Territory, did you not send your son to get Graham to come to the hotel at night, and did you not then and there say to Gid Graham; "you people are on the doubtful list and if you will give me $500. I will make it all right and see that you are enrolled and if you don't I will so that you don't get on"? A No, sir; I got a letter from Gid Graham in which he asked me to certify that the case was all right and after I met him I told him that I could not do it, that the case was crooked, he then said to me, he says, "I will give you a hundred dollars", he says "will you take a hundred dollars," I said "no, sir." I didn't make any bid, that is I didn't set no price with him.
Q You did not say to him then what I have embraced in that question there? A No, sir.
Q You did have a conversation with him about that time and at that place, did you not? A Yes, sir.
Q You say you didn't make any bid or set any price? A No, sir; he offered me a hundred dollars.
Q Why did you send for him to come to the hotel? A In answer to his letter.

A Did you not on yesterday morning on the street in Purcell, Indian Territory, in a conversation with W. H. Shoemake say to him: "You have made a great mistake in not keeping in your employment and we have the Dawsons and it will go hard with you and you will see it"? No, sir; I says to Mr. Shoemake, I says: "Who have you employed in your case," and he says "Judge Thomas and Mr. Owen." I said "It might have been a advantage to you if you had retained me in your matter;" Well, he says "there was nothing wrong in my case" and I says "no, there is nothing wrong on earth in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I says "there is not a thing on earth wrong in your case as I know it came up fairly and squarely and decided in your favor."

Q You said nothing to him about the Dawson case? A Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am summoned on the part of the Nation and I don't want to make a statement and I want if I can possible avoid it."

Q Was that before or after you talked with Mr. Hastings, the representative of the Nation? A It was afterwards.

Q You meant by that if you had refused to answer you would have gone to jail? A No, sir; if they had employed me before hand I meant not now.

Q You mean that if they had employed you before hand you would not have given this information to Mr. Hastings? A I would not be required, being the attorney.

Q Were you required to give him the information; did you know that you had to give him any information? A Who do you mean.

Q Mr. Hastings. A I did refuse him and he insisted.

Q Well, he no authority to compel you to do it? A No, sir; I don't know whether he did or not.

Q As a lawyer you know that he did not have authority to compel you to make a statement to him? A I told him that I was an attorney in the case and I didn't want to make any statement at all.

Q Why did you do it? A Well, he intimated to me it would go any further. He said to me "I will not make this matter -- I will not use it;" that is, what I stated to him was part in confidence.

Q And he pledged you his word that it would not be used? A Well, told him I could make a statement in confidence, and that I didn't want to make a statement before the Court.

Q Well, what did he reply, as you said just now? A Oh, he says make the statement and then I told him--I regretted very much to do it, and I regret very much to make a statement here. I tried to avoid it yesterday.

Q You stated just now that he said it would not be used; did he say that or not? A Well, something to that amount; oh, he says it wont make any difference or something to that effect.

Q Now, don't you know that Mr. Hastings did not intimate to you that the statement he was making you to make would not be used? A Well, I didn't think that I could be forced to make a qualified statement before the Court here, because I thought my license would protect me in that matter.

Q Yet it did not protect you or prevent you from making a statement to the attorneys for the Nation? A No, sir

Q Now, in this conversation with Shoemake to which I before referred did you not ask him to again employ you and tell him if he would you would make it all right for him? A No, sir; I didn't say that; no, I said if he had employed me in the matter "maybe it would have been better for you." Now, he offered me when I was up there last week, he offered me five dollars to go down and talk to the lawyers on the matter, I didn't go I was busy.

Q That was not your price? A No, no, I had nothing to say in his case that would be to his advantage; I knew nothing against him.
Q Now, then, you say that your were present on the morning that the judgment was rendered in favor of the Dawsons? A I was not in the Court house.
Q You were present in Tahlequah? A Yes, sir.
Q How long had you been at Tahlequah? A I was living there at that time.
Q When were you first employed by them? A By Dawsons?
Q Yes, sir. A The evening before the case was tried.
Q You say that after he judgment was rendered Dawson handed you $20? A Yes, sir.
Q And told you to hand to Duncan? A No, sir.
Q What was your statement? A That he paid me $20 and says "I will send you some more in a short time, week or so.
Q And then he sent you $100? A Yes, sir.
Q And wrote you to give D. W. C. Duncan $50 of it? A Yes, sir.
Q And then sent you another $100 and told you to give him half of it? A Yes, sir.
Q How much did they pay you? A Well, that was the agreement, was that he would pay me $50 a family.
Q How much did he pay you? A I think there was $250; now I am not sure about the $50, but it appears to me like there was a $50 sent, and Mr. Duncan asked me, as well as I remember, says "have you got a letter from Dawson," I told him "yes, sir." It was either that or the $100, and he says "I would like to have some money", and I went to Stapler's and got it changed— I won't be sure about it being $50 or $100—I went to Stapler's and got him to cash the check and give him his part of it.
Q How much did they pay you for your services? A That is all I got.
Q How much? A I think it was $100, $120.
Q What did you do for them? A Didn't do a thing only called up the case and submitted it; never read the evidence.
Q Submitted it without remarks? A Yes, sir.
Q And for that you say they paid you $120? A Yes, sir; $120.
Q Was Houston Benge present when that was done? A No, sir; I don't think he was.
Q Did you see him then at that time in Tahlequah? A I don't remember.
Q Were you associated with him in any manner in connection with the case? A No, sir.
Q You had a great deal of business of that character, have you before the Courts? A Yes, sir.
Q Were you paid like fees in other cases for like services? A Yes, sir.
Q In many of them? A Yes, sir, good many.
Q All like cases? A Oh, citizenship cases.
Q When was it you were in jail at Fort Smith? A I don't remember; Mr. Lollette can remember, he was there, he was my attorney.
Q Was it about 1883? A It was somewhere along there, along in 1880 somewhere.
Q That has been your principal business as a lawyer, has it not? A Yes, sir.
Q You have never practiced much in any other way have you? A Very little.
Q Were you in the habit of working your cases through in the same manner in which you state you worked this through? A No, sir.

Q This was an exception was it? A I never worked this case through. I simply called the case up by request of Mr. Dawson. I read the evidence; don't know what proof there was in it; he just asked me to call the case up.
Q And he agreed to pay you $50 a family for doing that? A Yes, sir.
Q Was that what you required of him? A That is what he agreed to pay. I says 'what will you give?' He says 'I will give you $50 a family.

MR. HUTCHINGS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoemake case didn't he? A Yes, sir.
Q And you told him at that time before you knew anything about whether you would be made or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemake case? A Yes, sir; that is what I said.
Q You told him at the same time that you not only expected to claim you privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKennon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strenthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.
Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.
Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.
Q And let the Court decide? A Yes, sir.

MR. McKENNON:

Q Now, have you a license to practice in the United States Courts? A Yes, sir.
Q In the Territory? A Yes, sir.
Q And also in the Indian Courts? A Yes, sir; do you want to see them?

JAMES W. LEWIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your anem please? A J. W. Lewis.
Q James W. Lewis? A Yes, sir.
Q Where is your postoffice, Mr. Lewis? A Afton.
Q How old are you? A 73 years old.
Q What is your business ? A I work at the tin business and gun work.
Q Do you know one James Dawson, the brother of F. M. Dawson and the other Dawsons? A I know old man James Dawson.
Q That is the one I mean, old man James Dawson? A Yes, sir: I know him.
Q How long have you known him? A Well, some four or five years, I guess.
Q How long? A Four or five years I think.

Q When did you come to the country? A I have been in the country 70 odd years.
Q Well, when did he come to the country, do you know? A Along about somewhere in eighty if I recollect right, might have been later than that.
Q How did you happen to be acquainted with? A He lived right close by me and I built a house for him.
Q Did you have any conversation with him at the time you built that house? A Yes, several different times.
Q About how he became a citizen of the Cherokee Nation, about the circumstances? A Yes, sir.
Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?
A Well, he told me that it cost him $700 to get his rights.
Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

MR. MCKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewhere near about 70 years old, he might have been older than that, I don't know.
Q He was a very old and feeble man? A Yes, he was old and feeble.
Q He seldom ever got out away from his house? A No, sir, only short distance.
Q When you first knew him he was that kind of man? A Yes, sir.

J. L. CLINKENBEARD, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A J. L. Clinkenbeard.
Q What is your post office address? A Vinita.
Q How old are you? A 56.
Q Were you ever an applicant for citizenship before the Tehee citizenship Court in Tahlequah? A Yes, sir.
Q About what time was that? A September '81, I think.
Q Did you meet there about that time, one Elbert or Buck Dawson?
A Yes, sir.
Q How did you happen to meet him? A He and I stopped at the same place, man's by the name of Saurbow.
Q You and he stopped there, did you, board there? A Yes, sir.
Q Well, did you have any talk about citizenship cases, yours and his? A
A Yes, sir.
Q Where did he state that he was from? A Texas.
Q Well, state what you can remember of the conversation between you from time to time about citizenship in the Cherokee Nation?
A Well, we were there on the same business and we talked about it at different times, and in talking about the evidence we had there I, of course, told him how many witness I had and what I could prove and so on, and he said that he didn't have but one witness, Dr. Baker from Arkansas, a man that was 85 or 90 years old, he said, and he hadn't come and said he was to have met him there, but he hadn't come.
Q Well, what did he say about the doctor's knowing anything?
A Well, he said he was 85 or 90 years old and didn't know straight up.
Q Well, did he say anything about giving him whisky?
A Well, he said he could give him four drinks of Arkansas whiskey and he would swear that black was white.

Q Did he say what it was about what money would do in Texas or Indian Territory? A Well, in talking about the evidence, he said what money would have done in Texas and he said "I come to get the lay of the land" and he says "I found out it goes here," or words to that effect.
Q Did he say what he had to speak on the question? A Well, he said that he would stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.
Q What did he tell you what he thought about the necessity of witnesses anyhow? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.
Q Well, where did he go from there? A He and I left there together; he come to Muskogee by way of Fort Gibson and there we parted.
Q Did you ever see him after that? A I saw him about two years or something like that afterwards.
Q Where? A Vinita.
Q Did you refer to the citizenship matter? A I asked him how he come out and he said all right.
Q Was he deformed in any way this man? A He had a crippled hand or stiff finger; I don't remember just what it was now.

I.R. McKENNON:

Q Your first conversation with him was in '01 was it? A Yes, sir.
Q What time in '01? A September.
Q You were then an applicant for citizenship? A Yes, sir.
Q Have you ad it yet? A No, sir.
Q You are still an applicant? A No, sir.
Q You are still working to get in as a citizen of the Cherokee Nation? A No, sir; haven't quit it entirely.
Q What business are you in now? A I am running a dairy in Vinita.
Q When did you make these statements now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.
Q How did they ever know that you had had these conversations with Mr. Dawson? A I don't know.
Q You don't know how they found that out? A No, sir.
Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.
Q Now, did you approach him or did he approach you? A He approached me.
Q You know why? A No, sir; I suppose somebody I have told someone at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have saw Mr. Hastings for years.
Q Now, you say—now was that expression about his giving Dr. Baker three or four drinks of liquor? A He said the old man; he said that Dr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he did or not; he said he was 85 or 90 years old; he said he didn't know straight up; said he could give him three or four drinks of Arkansas whiskey and he would not know black or white.
Q Now, he said that did he? A Yes, sir.
Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.
Q You say you next saw Dawson at Vinita? A Yes, sir.
Q How long afterwards was that? A About two years, I think something near that.
Q Did he move to the Territory? A Yes, sir; he lived at Vinita at one time.

Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I sent the others to the country.
Q Do you run a dairy wagon there? A No, sir.
Q You serve on the jury a good deal? A I have been serving on the Petit jury there this winter.
Q Generally? No, sir.
Q Are you a kind of a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel and served.

C. C. BRAUGHT, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. LUTCHMAN:

Q State your name? A C. C. Braught.
Q What is your age? A 65 29th day of last January.
Q What is your post office? A Fairland.
Q How long have you been living in the neighborhood of Fairland? A Been living there 19 years.
Q Do you know one Bud Dawson or F. M. Dawson as his name is? A I do.
Q How long have you known him? A About 18 years.
Q How close do you live from him? A Half a mile of him.
Q Does he still own that place? A I think he does.
Q Were you an applicant for citizenship along about '81 or '2 at Tahlequah? A Yes, sir.
Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.
Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the time that you had these conversations as near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to put up; he said it cost him $700 to get in; he said he paid one witness three hundred dollars.
Q Did he state the name of that witness? A No, he did not.
Q Whom did he say he made arrangements with? A He said he made arrangements with the Court: that is, heads of families to get them in at one hundred dollars apiece.
Q Do you know what time of the year tht was, whether it was in the summer or not? A I think it was in June.
Q Did he make any other statements to you at any other time? A No, sir, I don't think he has in regards to that matter.
Q You have been living neighbors with him? A Yes, sir.
MR. MCKENNON:
Q You say this was about June of '83? A I think it was in June, 1883, I won't be positive whether it was June or not.
Q You were an applicant; were you admitted? A No, sir.
Q Have you been admitted? A No, sir.
Q You are still an applicant? A Yes, sir.
Q Still trying to get in? A Yes, sir.
Q Where was this conversation had? A Had at Bud Dawson's house.
Q What part of the premises? that is, in his residence? A Yes, sir.
Q In the house? A Yes, sir.
Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.
Q Was there more than one room? A I won't be positive but I don't think there was but one room, log house.
Q Just one room? A Yes, sir.

Q And in that room he made this statement to you? A Yes, sir.
Q He and you are enemies are you not? A No, I don't think we are enemies.
Q You are not friendly at all? A Friendly part of the time, and part of the time we ain't.
Q Haven't you had considerable trouble about the lands between your farms? A No, sir; we ain't had any trouble.
Q Didn't you have his little boy arrested recently for a difficulty?
A Yes, sir.
Q And you say that you are not on bad terms with him?
A Why we speak, have conversation, have right right along all the time.
Q Is it not a fact now that you and he have been all the while at outs? A No, sir.
Q You don't have any unkind feeling towards him? A No, sir.
Q What were your other remarks? A I said no, sir, I didn't have any unkind feeling towards him.

(It being 5 o'clock, the Commission adjourns until 8:30 o'clock to-morrow morning.)

March 19, 1902.
Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of Counsel for Applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. C. BRAUGH, re-called, further testified:

MR. McKENNON:

Q Mr. Braught, you were a claimant under the Watts family are you not? A Yes, sir.
(witness excused.)

CHARLES D. KENNEY, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Charles D. Kenney.
Q What is your post office? A Dawson now.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; supposed to be.
Q Recognized as such are you? A Yes, sir.
Q How old are you? A There is no family record, my parents died when I was young, I just guess at my age, I am somewheres between 44 and 45 years old.
Q Were you personally acquainted with one Elbert or Buck Dawson?
A I knew Buck Dawson when I saw him.
Q Did you know him in the state of Texas, if so state what time?
A I knew Buck Dawson, knew him and saw him at different dates in Texas.
Q Well, in the year '81 in Clay County, Texas, did you ever see him?
A It was in '81 or 82, I think I knew him in both years.
Q Did you ever have any conversation with him in the presence of Bill Smith, Jiles Flippin and Joe Preston about his application for citizenship in the Cherokee Nation? A Mr. Dawson and Flippin were talking in regard to grass down there before me one time and

it "as mentioned, I was going up on the Strip and Buck Dawson says "he an Indian" and Jiles said "yes, he is an Indian", and "By God," I believe is the way he spoke, "if I was an Indian I would not be punching cattle, I would have stock eating my grass."
Q What did he say about making application? A He said he was going to the Chickasaw Nation and prove up and get him some grass.
Q Who was that? A Buck Dawson.
Q Well, did anybody suggest about his going to the Cherokee Nation?
A Yes, sir, I told him, I says "why don't you go to the Cherokee Nation, why don't you go up home" I believe is the way I spoke it, "up amongst God's people;" and he says "are they all white like you?" and Jiles spoke up and says "majority of them."
Q Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow punchers, and Mr. Filspin says "Hell, I am going; brother John is getting ready to go now."
Q Well, then what did he say to you? A He says "Who are your best lawyers up there, Kenney," and I told him "Hooley Bell was counted the brainiest man in our country."
Q Well, do you know whether he claimed to have any Indian blood or what he was claiming in that country, whether white man or Indian?
A No, sir, I could not say what he was; he was generally known down there as Buck Dawson, a citizen of the State of Texas, that is all I know of him.

Mr. McKennon: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKennon:
Q Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Bass County, Texas. B. W. Alberty was my guardian.
Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date.
Q About what time? A It was sometime in '80 though.
Q What tribunal first? A I don't know; I don't know either when I was admitted, I was re-instated at Council.
Q When? A I think it was in '87 or '88.
Q Haven't you been arrested for crime and charged with crime?
A Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande.
Q For what offense? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road.
MR. HASTINGS, of Counsel for Cherokee Nation:
Q Were you ever convicted? A No, sir.
Mr. McKennon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. BABEART, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name, please? A Thomas B. Babeart.
Q What is your post office? A Melvin.
Q What is your age? A 49.
Q Are you a Cherokee by blood? A Yes, sir.

Q Did you know one James Dawson? A Well, yes; I did; I have seen him time or two.
Q Were you in Tahlequah about the time he had an application before the Spears or Snake Puppy Citizenship Court? A Yes, sir; I was there about the time the case was settled.
Q Did you know Aaron Butler? A Yes, sir.
Q Who was he? A He was a Cherokee Interpreter for the Court.
Q Do you know James Smith? A Yes, sir.
Q Who was he? A He was the Nation's attorney before the Court.
Q Well, did you about that time have a conversation with either Aaron Butler of Jim Smith in company with Mr. James Dawson? A Yes.
Q State the full particulars of it? A About that time this man Dawson and Butler come to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.
Q Well, did he say anything about whether he could get his case submitted if he had more money? A Well, from the language to me and Butler, he wanted this money; Smith had agreed to submit the case without further evidence in the matter.
Q Well, did you let him have the ten dollars? A Yes, sir.
Q Where did they go then? A They walked off up towards town.
Q Did they go together, those three? A Yes, sir.

MR. McKENNON:

Q Was that James Dawson, the leading applicant in that case?
A Yes, best of my recollection that was.
Q How old a man was he? A I don't know; I could not tell you; he looked, I don't know, he might have been—could not tell you just about how old he was.
Q Well, about how old was he, 25, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.
Q Is he living or dead? A I don't know.
Q Where have you been living? A I have been living down here near Tahlequah.
Q What was the man's name, Dawson's name? A Jim Dawson I think.
Q You are certain of that? A Yes, sir: I am pretty certain.
Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.
Q Dawson took you off to one side? A Butler took me to where Dawson was and introduced me to Dawson and vouched for Dawson being all right for the money.
Q When did you first make a statement of this matter to anybody?
A I guess—I don't remember when.
Q How long have you been in Muskogee this time?
A I have been here since, I was summoned here last Friday.
Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.
Q When? A Oh, about, first I remember it has been about two years ago, and Butler was talking to me about it; it was at my house.
Q Were you born a citizen? A Yes, sir.
Q You weren't admitted to citizenship by the Courts or Council?
A No, sir.
Q You have been living in the Cherokee Nation all your life?
A Well, I was born and raised here; ; I haven't been here all the time; I have been out and in.

Q You have never seen that man Dawson since? A If I have I have never known it, but I seen him the next day.
Q You saw him and took a good look at him, and know about what kind of man he was? I saw him around there about several times.
Q You think he was about 35 or 40 years old? A That would be my guess at it, my recollection.

Mr. McKennon: Applicants object to the testimony of this witness, all of it, because it is wholly incompetent and irrelevant.

DELIA A. BREWER, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your full name? A My husband's name was O. P. Brewer, but generally I sign my name Mrs. D. A. Brewer.
Q What was your full maiden name? A Delia A. Vann; well it was really Delilah but I never was called by that name, it was De altogether in my young days.
Q What was your father's name? A His name was Joseph Vann.
Q Was he called by any nicknames and if so how many, and what?
A None but the Cherokees, the full-bloods called him Joe Aney.
Q What does that name mean when you talk English? A Rich Joe.
Q Did any of them call him Big Joe Vann? A I don't know; he was a large man; larger than the other Joe Vann.
Q There was another Joe Vann? A Yes, sir.
Q Did your father have any sisters and brothers? A He had quite a number of sisters.
Q Did he have a half sister? A Had two half brothers.
Q Did he have a half sister? A Had several half sisters.
Q Who did they marry? A Different persons; I knew the names of all of them but I have a bad memory, but I know that there was one, a Mrs. Ibbie Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.
Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.
Q Never had any Rogers kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.
Q The Dawson case was talked of here for many years, they claiming kin?
A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that my family was prominent enough that they never claimed kin.
Q They never claimed kin at all? A No, sir.
Q Did your father ever had a sister or half sister by the name of Annie, Anna or Alsey? A No, sir.

Mr. McKennon: Applicants object to all the testimony of this witness because it is incompetent and irrelevant.

SAMUEL TOLLIVER DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Samuel Tolliver Dawson.

Q What relationare you to the Dawsons? A Well, I am not acquainted with none of these Dawsons, I guess I am cousin, that is what he told me.
Q Who was your father? A Samuel Riley Dawson.
Q What did you say your father's name was? A Riley Dawson.
Q Do you know what his full name was? A Samuel Riley Dawson.
Q What children had your father? A Why, he has got, you mean his first children or his whole family?
Q I want all of his children? A I don't know, I will have to count a while on them, there was nine or ten of them.
Q Just one or two of them I care for; is Mrs. Lewis your sister?
A Yes, sir.
Q Your full sister? A Yes, sir.
Q Was she a daughter of S. H. Dawson, Jr.? A Yes, sir.
Q Now who were the parents of your father, , Samuel Dawson?
A Why Sam Dawson was his father.
Q Sam Dawson was his father? A Yes, sir.
Q What was Sam Dawson's wife, if you know their family history, what your father said or what your grandfather said? A I have heard that she was a Pruitt, my father said; of course I don't know.
Q What was her given name? A Annie.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q Saw him? A Yes, sir.
Q Do you know about how old he was when he died? A He was somewhere up about 90.
Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.
Q Was your father his youngest child? A Yes, sir.
Q D you know about when your father was born? A Well, no, I don't, he died in '90 and he was 67 years old.
Q He died in about '90 and was about 67 years old when he died?
A Yes, sir.
Q And he was the youngest child? A Yes, sir.
Q Now, do you know how many children your grandfather had , that is brothers and sisters of your father? A I heard him say seven.
Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?
A Well, I heard my father speak about it, I don't know that I ever heard my grandmother say anything about it.
Q Well, what did he say about it? A I have heard him say his mother was not an Indian.
Q Did you fathercome here and apply once for citizenship?
A Yes, sir.
Q Was he admitted? A I think not.
Q Did you hear him make any statements about he ground he expected to get in? A He said his brothers had proved their rights here and if his brothers had any rights he did, but I don't know.
Q Well, in that connection didhe say whether his mother was an Indian or white woman? A Never heard him say that his mother was a white woman in speaking about that, I don't know whether he said anything about that or not; I have heard him say his mother wasn't no Indian.

Mr. McKennon: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

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(Taking of testimony continued by Stenographer M. D. Green)

I, J. O. Rowson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rowson.

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(Continued from testimony taken by Steno. J. O. Rowson.)

March 16th, 1903, at Muskogee, I. T.

Appearances:
Mr. A. S. McKennon and Mr. Mellette, attorneys for the applicants.
Mr. W. T. Hutchings, and Mr. W. W. Hastings, attorneys for the Cherokee Nation.

ELNA BRASHIERS, being first duly sworn, and being examined testified as follows:
BY MR. HUTCHINGS:
Q State your name? A Elna Brashiers.
Q What was your maiden name? A Elna Dawson.
Q What was your father's name? A Samuel Riley Dawson.
Q What was his father's name? A Samuel.
Q What was your grandmother's name? So far as you know from family history? A Her maiden name was Annie Pruett.
Q Then your father, if I understand you, was the son of Samuel Dawson and Annie Dawson, nee Pruett? A Yes, sir.
Q Did your father have a brother named Robert, and a brother named James? A Yes, sir; that is what I was told.
Q And had a sister named Mrs. Petty? A Yes, sir.
Q And another one named Mrs. McGee? A Yes, sir.
Q And another brother named John? A Yes, sir.
Q What relation are you to Mrs. A. S. Lewis? A Sister.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q You have a distinct recollection of him? A I, yes, I can remember him, but I was small.
Q About how old were you you suppose when your grandfather died? A About 6.
Q Was your father's birth recorded in the family Bible? A Yes, sir.
Q You know whether your grandfather's record of marriages and deaths were recorded in any Bible or not? A I was, but we haven't it.
Q What became of it? A Got burned.
Q Well, about what year do you remember that your father, Samuel Dawson was born? A I believe it was '23.
Q In 1823? A Yes, sir.
Q And how old was he when he died, if you recollect? A He was between 64 and '7.
Q Did you ever hear your father speak of his relations, his father and mother, as to whether they were white people or Indians? A Yes, sir, they were white people.

Q. You know whether in the family you grandmother was spoken of by the name of Annie, always? A. Yes, sir.

BY MR. McKENNON: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

ALEX S. LEWIS, being first duly sworn and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A Alex S. Lewis.
Q What is your post-office? A Dawson, Indian Territory.
Q How old are? A 50 years.
Q What was your wife's maiden name? A Elizabeth Paralee Dawson.
Q Who was your wife's father and mother? A. Her father was Samuel R. Dawson and her mother was the wife of Samuel R. Dawson, did you want her maiden name?
Q Well, if you know the maiden name of your wife's mother, state how you know it? A Well she was called Margarett, Margarett Queen was her maiden name.
Q The maiden name now of your wife's father's mother? A Why the maiden name of my wife's father's mother?
Q Yes, sir? A From what her husband and my father-in-law told me it was Annie Pruett.
Q What was the name of your wife's father's father? A My wife's grandfather on her father's side, Samuel Dawson.
Q And his wife's maiden name was Annie Pruett? A Yes, sir.
Q Did you know the old gentleman, Samuel Dawson, you wife's grandfather? A Yes, sir.
Q Personally? A Yes, sir.
Q What opportunities had you to get acquainted with him? A He lived with his youngest son, my father-in-law, and visited me, my wife and I, after we were married, stayed with us quite a while; I lived near my father-in-law and we visited very often.
Q When did he die? A '74.
Q Have you any particular method of recalling that date? A Well, I was away from the house when he was taken sick, and they sent for my wife and myself, and so when I got home my wife had gone to her father's to see her grandfather, he was sick, and I remember my first wife was a baby at that time.
Q And when was your first child born? A He was born December, '73.
Q You know how old you wife's father was when he died? A Why he was up in 60, but I don't remember his age.
Q Did the old original Samuel Dawson ever tell you his age? A Yes, sir, several times.
Q How old was he at the time of his death? A He was passed 94.
Q Did he ever tell you whether or not his wife Annie Pruett had any sister or brother? A Told me she only had one brother named Bob Pruett.
Q Have any of the members of the family named their children after him? A Make it a little plain, it is a little long; my wife's oldest brother was a particular favorite of his grandfather, and he always took this boy with him everywhere, and he has named one of his,- oldest child for this brother-in-law who was a particular favorite of his grandfather; named it for him I understood.
Q Now, what is his name? A Of course I don't know why he named it, but he gave him the name of Robert Pruett, and I understand it was on account of his grandfather thinking so much of Robert Pruett.
Q Did you ever hear the old Samuel Dawson speak of his brother-in-law? A Yes, sir; I have heard him say that he wished he knew what had become of Bob Pruett, he never had heard of him for a long

time, didn't know where he was, or whether he was alive or not.
Q Now, I want the children of Samuel Dawson a d Annie Pruett, how many of them did you know, first? A How many did I know personally?
Q Yes, sir? A John James, and Samuel R. Those were the only ones of his children that I remember personally.
Q Well, remember what you know of the family, what other children did he have? A Well he had two girls, as I understand the family history, he had two girls, first, and John Dawson was the third child, and the oldest boy was John Dawson.
Q Was John Dawson the oldest boy? A Yes, sir.
Q Which was the oldest girl? What is she known by now? A I think it was Mrs. Petty, nee Bettie Dawson.
Q And John Dawson was the oldest boy? A Yes, sir.
Q And Samuel R. Dawson was the youngest boy? A Yes, sir.
Q You know anything about the time John Dawson was born, have you any way of coming at it, the oldest boy? A Yes, sir, I know what the oldest son and his wife told me.
Q What was that? A They said he was born in 1811.
Q Who was his oldest son? A Toliver H. Dawson told me his father was born in 1811.
Q Do you remember now whether the old man had occasion to say whether his wife, Annie Pruett was an Indian or white woman, or ever said anything about it? A I know what the old man said that she was, I don't know that I ever heard the question approached in that way, I have heard him speak as to her blood, but it was in a different way that he reached it.
Q What blood did he say she was? A Well he said that she was the daughter of Mrs. Pruett, a white woman; and that her father was Captain John Rogers, a white man who lived with the Cherokee Indians, and traded with them.
Q Did he say who Captain John Rogers afterwards married? A Said he had a wife in the Cherokee Nation.
Q But that Annie Pruett was not her child? A No, sir, she was the child of Mrs. Pruett.
Q A white woman? A Yes, sir, that was the half sister of Bob Pruett.

BY MR. McKENNON:

Applicants object to all of the testimony of this witness, because it is wholly incompetent and irrelevant.

Q Did ever you apply for citizenship here? A Yes, sir; for my wife.
Q When? A My father-in-law made the application, I don't know exactly when it was, I think probably about '86, I couldn't say as to the date.
Q Before the Cherokee authorities? A Yes, sir.
Q Did he file an application before the Dawes Commission in 1896 also? A Him.
Q Yes, sir? A I don't think he did, no sir.
Q Did you? A I did.
Q On account of your wife? A Yes, sir.
Q Did you make affidavit to that application? A No, sir.
Q Who did? A I don't know, don't remember now.
Q You applied for your wife as an Indian by blood did you not? A Yes, sir.
Q Are you still an applicant? A No, sir.
Q Is she? A No, sir.
Q She was denied was she? A Yes, sir.
Q Was there an appeal taken from that? A Application was filed if I remember, before the Dawes Commission, and they rejected the case, and then I appealed it to the District Court, and it was rejected there and then I stopped.

Q Have you ever been arrested for any crime? A Yes, sir.
Q What? A Charge of murder.
Q Anything else? A No, sir.
Q Convicted on the train? A Yes, sir.
Q In a train robbery? A Yes, sir, in a train robbery.
Q How long did you remain in jail? A Appealed the case to the Supreme Court, and it was reversed and sent back, and I was acquitted on that charge.
Q That all the crime you were ever charged with? A Yes, sir.
Q Haven't you been having more trouble with the Dawson family? A Well no personally I have no trouble with any of them, there is one of my boys and one of W. A. Bayens's sons-in-law had some trouble.
Q You are not friendly with the Dawson family? A That son-in-law Mr. Wooley, and myself, don't speak, and I don't think his wife speaks to me either.
Q Well you are claiming some sort of lease on the Wooley farm, aren't you? A No, sir, I don't claim any lease on the Wooley farm.

B. W. ALBERTY, being first duly sworn, and being examined, testified as follows:
BY MR. HUTCHINGS:
Q State your name? A B. W. Alberty.
Q What is your post-office? A Tahlequah.
Q What is your present official position in the Cherokee Nation? A Assistant Executive Secretary of the Cherokee Nation.
Q As such have you charge of the citizenship records and books etc. of the Nation? A Yes, sir.
Q Have you made search recently for the original records in the various cases of the Dawson family before citizenship courts in Council? A Yes, sir.
Q Have you got what records you found with you? A I find what's supposed to be the original papers in the case, all that I could find. (Produces papers and hands to Nation's attorney.)
Q Where did you find these papers? A I found them in the desk in which papers of that character are filed away in the Executive Office at Tahlequah. (Applicant's attorneys examine papers produced by witness.)
BY MR. HUTCHINGS: The Nation here introduces in evidence an envelope marked No. 108, the names on the back of it are Robert, Elbert, Jasper, John, Frances, Marion, Josephine, Joseph, Jane, Mollie, Wilburn, James, Rial Dawson, versus the Cherokee Nation; the envelope and its contents.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced by the Cherokee Nation is indorsed as follows:
"No.108, Rob. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilburn Dawson, James Dawson, Real Dawson, vs Cherokee Nation, Petition for Citizenship, filed Sept. 24, 1881. Admitted Jan 11th, 1883, D. W. C. Duncan, Clerk."
In pencil: "Robt Dawson."

The said envelope contains a document as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 18th, 1883.

No. 102 Robert Dawson, et al.
vs.
Cherokee Nation.

Testimony for Claimants.

Witness:

Mr. Baker sworn testified as follows. My Name is Arthur Baker I reside at Berryville, Arkansas, Carroll County, my age is 73 years, I am not a Cherokee, I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County, more thirty five years (line drawn through the last three words.) 25 years at my mother's house near Calhoun I became acquainted with the claimants Robt Dawsons grand mother on mother's side, she was frequently at my mother's house; though she Anna Pruit lived in the Nation side. She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee; the first time she brought the claimant's mother to my mother's house she the claimant's mother was about grown, then I was a lit le boy she called her daughter Polly Rogers said Capt. John Rogers who ran a boat up the river was the father of the child; I saw the girl frequently there at my mother's and there at Louis Rogers Store I saw her occasionally until I was 15 or 16 years old and I think then Old Capt. John Rogers took her off to school. I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of Old Samuel Dawson. I stayed all night there and she and I had a talk over our old matters, and I asked her when she became acquainted with Dawson and she said at the time she was going to School. And she said after she left school that Dawson followed her home to the Nation and they were there married. I have told that precisely in the words she used.

Capt John Rogers claimed to be one fourth Cherokee, the claimant is the son of Polly Rogers and I know Polly Rogers to be the daughter of Anna Pruet, and I know the claimant to be the son of Polly Dawson Capt Rogers then resided in the Cherokee Country about twelve miles from Calhoun on the Arkansas River.

Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawsons when I got acquainted with them Arkansas were recognized where they were as Cherokees, Robt Dawsons children is Buck, John, Marion, and two girls; the children named in the petition I recognize as being the claimants.

Question by Solicitor:
Ques. 1 How many children did Polly Rogers have?
Ans. 1 Five, I think that's all.
Ques. 2 Did you say something about no. some being married twice?
Ans. 2 The claimant was married twice.
Ques. 3 Could Anna Pruet speak Cherokee?
Ans. 3 Yes she could speak it well
Ques. 4 Did Polly Rogers speak Cherokee?
Ans. 4 She could when she was young.
Ques. 5 How far did you live from Anna Pruet?
Ans. 5 Just across the river about 3/4 of a mile.
Ques. 6 Was Calhoun in the Cherokee Nation?
Ans.6 It was on both sides of the river, part in the Nation and part out in the State.

Ques. 7 Which Marriage was it went to Texas?
Ans. 7 George went first then John went they were the sons of old man Marrage that lived up here near the line.
Ques. 8 Did the claimant go to Texas?
Ans. 8 No the claimant didn't go to Texas.
Ques. 9 What connection was claimant and Polly Rogers?
Ans. 9 The claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.
Ques. 10 Where does claimant now live?
Ans. 10 He lives in Cornell County, Arkansas.
Ques. 11 Do you know what relation old Captain John Rogers was to Charlotte Rogers here in Cooweescoowee?
Ans. 11 They claimed kin but what Kin I dont know there were two Capt. John Rogers' in the Nation I am speaking of the time when I first came to this 1830 Country about the year 1830.
Ques. 12 Was Anna Pruet the maiden name of Claimant's grandmother?
Ans. 12 Yes that was her maiden name the Indians called her Sinee.

his
(signed) Arthur. A. x Baker.
mark

Witness' hand paralyzed is the reason he signs by a mark thus "x". *

The above document is indorsed on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case, Robt," Decided by the Tahee Court in 1883. A. Riley Dawsons Step daughter a white woman married a white man, named August Bilanka."

BY MR. HUTCHINGS: We further introduce envelope N. 101, of E. Dawson for his grand-children, versus the Cherokee Nation, and its contents, to-wit: The Petition and affidavit of F. M. Dawson, and the testimony of Joseph Dawson.
(Hands papers referred to to applicant's attorneys.)

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced is endorsed as follows:
"No.101. E. Dawson vs the Cherokee Nation. For his grand children. Petition for citizenship. Filed Sept. 14th, 1883, D. W. C. Duncan, Clerk of Com. Decided Sept.13, to be Cherokees.

The contents of said envelope are as follows:

"Office of Commission on Citizenship.
Tahlequah, Cherokee Nation, Sept. 14, 1883.
E. Dawson,
No.101. vs for his grand children.-
Lulu Dauthett,
Dallas Dauthett,
F. M. Dawson for Claimant introduced sworn and in open Court testified as follows:
My name is F. M. Dawson. Am Cherokee by blood reside in the Cherokee Nation am 50 (40 written over it) years old.

I saw the Claimants, Lulu Dauthet and Dallas Dauthet in Vinita, and know them to be the grandchildren of my brother E. Dawson who is a recognized Cherokee by blood, L. M. Dauthet, the father of the Claimants, Lulu and Dallas is a white man Dauthet's wife the mother of Lulu and Dallas was a Cherokee, the daughter of my brother E. Dawson, she is now dead. The oldest of these applicants is about 9 years old. I have known them about 6 years. These children is now living with their father. One is a girl and the other is a boy. I had been acquainted with his mother all her life. If she had been now living she would have been about 25 years old -- She has been dead about 4 years as well as I can recollect, She was about 17 yo rs old when she was married.

his
(signed) F. M. x Dawson,
mark

Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, Sept. 14, 1903.

No.181 E. Dawson
for his grand children
Lulu Dauthett
Dallas Dauthett

Joseph Dawson introduced for Claimants, sworn in open Court testified as follows:

Jos. Dawson, am a Cherokee live in the Cherokee Nation, am 31 years old.

Lulu Dauthett and Dallas Dauthett, the Claimants are Cherokees. Fannie Dawson was their mother. Fannie Dawson was a Cherokee, that is what I was always told. Her father was E. Dawson. E. Dawson was my brother. Mrs. Dauthett is not living now: the last time I saw Lula, and Dallas Dauthett, they were in Texas. But I have heard since that they are in the Cherokee Nation. E. Dawson recognizes them as his grandchildren and I have known them ever since they were born.

By Solicitor:

Lula is about 10 years old. The Dallas is about 5 or 6 years old. I heard that their father is now at Vinita Cherokee Nation, E. Dawson is Elbert Dawson. The applicants' mother has been dead about three or four years. She died at Hillsboro, Texas.

I was not present when their mother and E. Dawson had eight children to the best of my recollection, or 9. Fannie, Francis, Cartenna, Zanie, Bob, Smith, Tom, Bert, Ella. All living but two, Fannie and Smith. They are all living in Texas when I left there. I am a brother to F. M. Dawson, we are full brothers. My father has been admitted to Cherokee Citizenship by this Court.

his
(signed) Joseph x Dawson,
mark

To the Commission on Citizenship,
Tahlequah, C. N. Sept, 12, 1903.

E. Dawson for grandchildren,
Lulu Dauthett,
Dallas Dauthett,
vs
Cherokee Nation.

Now comes E. Dawson petitioning for the Cherokee rights of his grandchildren, Julu Dauthett & Dallas Dauthett, by virtue of their Cherokee blood, which was derived from the

Dawson family, who are acknowledged Cherokees by admission of your Hon. Court, at its last session in January, 1843, in view of the facts ask your Hon for a speedy and favorable consideration of our claims.

(signed) S. Dawson For grand children,
By D. H. Taylor."

This last document is indorsed on back as follows: "No. 181. Petition of Emily, Barthett & Dallas Douthitt, for Citizenship Filed Sept 14, 1883. D. F. C. Duncan, Clerk."

BY MR.HUTCHINGS: Now we desire to introduce the judgment in the case of S. R. Dawson, and others, of the Commission on Citizenship, found on page 80, of Record Book B, of the Citizenship cases in the Cherokee Nation, said book having been turned over to and now in the custody of the Commission: the judgment being dated April 26th, 1839.

BY MR. McKENNON: To the introduction of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

Record above introduced is as follows:

"Office of Commission on Citizenship,
Tahlequah, C. N. August 11th, 1837.

Docket No.	Names,	Age	Sex	Post Office,	Attorney
	1 S. R. Dawson,	66		Oatoosa,	
	2 Parlee Dawson,	44	female		
307	3 Amerion J. Dawson,	35	"		
	4 Katharine J. Dawson,	33	"		
	5 J. G. Dawson,	31	male		
	6 Elias F. Dawson,	29	"		Bell &
	7 Toliver Dawson,	27	"	Applicant for Cherokee Nation.	Bryant.
	8 Eliza Dawson,	20	female		
	9 Fanny Dawson,	18	"		
	10 John Riley Dawson,	11	male	R.	
	11 Robert E. Dawson,	9	"		
	12 Claud Dawson,	7		Ancestor	
	12 Cleveland Dawson,	3		John Rogers	

-- filed August 11th, 1837."

In red ink written along Age column is the following: "Rejected April 26, 1839."

"Now this day comes the above case for final hearing, Samuel R. Dawson, bases his application for re-admission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the alleged daughter of Captain John Rogers and Chilsey Pruitt, said to be a half sister of Joseph Vann, commonly known as Rich and who was of Cherokee blood. It is admitted that John Rogers and Chilsey Pruitt died before the roll upon which their names would appear if living at the time and specified in the 7th section of the Act of December 29th, 1836, creating the Commission on Citizenship, were made but in support of the application it is urged that certain members of the Dawson family are full brothers of the applicant were re-admitted to citizenship by the Commission on Citizenship commonly known as

"Tno Tehee Court", and the "Spears Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which determined the decision of those Commissions of the testimony now introduced to authorize the admission of the present applicant is not relivent to the issue now pending. The 7th section of the Act of December 8th, 1886, before named provides, that "The Commission shall give a hearing to any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States," As are hereafter enumerated. Neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Jounnah Barber nee Jourmah Dawson and Jane Queen, nee Jane Dawson, and their families, as enumerated in their respective applications.

(signed) Will P. Ross,
Chairman.

This April 26th, 1889.
(signed) D. L. Williams,
Cl'k Com'n."

(signed) R. Bunch, Commissioner,
John E. Gunter, Com'nr.

BY MR. HUTCHINGS: The Nation now introduces the envelope in the case of James K. P. Dawson, and the contents, being the original testimony in the case of E. Dawson; also the judgment in said case, found on page 116, in book C., containing the records of the Citizenship Commission of the Cherokee Nation, the date of said Judgment being April 26th, 1889; this book being also in the custody of this Commission.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope above introduced is indorsed on back as follows:

"Name, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - Years, - - Roll of 1835, Ancestor, Riley Dawson, filed the 5 day of Oct. 1887, Docket 989, Book C Page 116, Testimony on Journal - - Page - - - Decision of Commission Rejected 26 day of April 1889
Rejected."

The contents of said envelope are as follows:

"A. J. Dawson, et al.,) Office Com. On Citizenship,
(vs)
Cherokee Nation.) Tahlequah, I. T. Sept. 27th, 1887.

E. Dawson, who being duly sworn, upon his oath, deposes and says as follows, to wit:

I am a citizen of the Cherokee Nation and reside in Coowescoowee Dist. and am 58 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I have known him personally about three (3) years. He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a realtion of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee river in Tenn. I think he had four (4) children. I never saw any of them but Andrew J. Dawson, and Jim Dawson.

-Cross Ex.-

Joe Dawson has been dead about 38 years he lived west of the Hiwassippi River, I understand. My father had four brothers. I don't know how long Joe Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of my Uncle Joe Dawson, is from what he himself has told me. - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me- My grandfather being a Dawson and a white man.

Attest

Connell Rogers,
Clk. Cor. on Citizenship."

This document is indorsed on back as follows:
"Testimony of E. Dawson in case A. J. Dawson."

The judgment above introduced, and found on page 116 of Book C of the Dockets of Cherokee Citizenship Commission, is as follows:

"James K. P. Dawson,
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., Oct. 5, 1897.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	James K. P. Dawson,-		Male		
2	William A. Dawson,				
3	Richard A. Dawson,				
169					C. H. Taylor.

Applicant for
Cherokee Citizenship,
Census Rolls 1835
Ancestor,
Riley Dawson.

vs.

Cherokee Nation. "

In red ink along age column are the words: "Rejected April 20, 1899."

- - - - - - - - - - - - - - -

"Adverse to Claimant.
See decision in this case in the case of S. R. Dawson in Book (3) Page 30.
This April 20, 1899.
D. S. Williams,
Clk Com.

Will P. Ross,
Chairman.
J. E. Gunter, Com."

BY MR. HUTCHINGS:

The Nation desires to introduce the original envelope and its contents in the case 196, of Rebecca Dawson, being the application and judgment in the case, also the judgment as copied into the record, Book C, on page 144, the date of said judgment being August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope just introduced is indorsed on the back as follows:

"196, 1, Name Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address Emmet, I. T., Age 48 years, 1835, to 1852, Roll of 18-- Ancestor Maton, Filed the 5 day of Oct 1887, Docket 1017 Book C Page 144, Testimony on Journal- Page - - Decision of Commission, Rejected 28 day of August 1889. Submitted by Mr. Rasmus, Aug. 28, 1889." R"

The contents of said envelope are as follows:

"APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship:
Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution, and with an act of the National Council approved December 8th, 1886, creating your Commission, And respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Maton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds for this application for Cherokee citizenship by blood, and respectfully awaits the time when Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 48 years; Postoffice, Emmett, Chic. Na. family with their relationship attached is as follows:

No Name Sex Age Relationship.

In witness of which application I hereto set my hand on this the 4- day of October 1887.

(signed) Rebecca Dawson,

Boudinot & Rasmus,
Attorneys."

- - - - - - - - - - -

"COMMISSION ON CITIZENSHIP.
Cherokee Nation, Ind. Ter.
Tahlequah, August 28th, 1889.

Rebecca Dawson)
V. S.
Cherokee Nation.) The above case was called and submitted by

Rasmus without evidence the Commission decide that Rebecca Dawson, Age 48 yrs is not a Cherokee by blood & d are not entitled to citizenship in the Cherokee Nation. Post Office Ernest Texas - - I. T.

(Signed) WILL P. Ross,
Chairman,
J. E. Gunter, Com."

The judgment found in Book C, Records of Commission on Citizenship, Cherokee Nation, Page 144, is as follows:

"Rebecca Dawson.
OFFICE COMMISSION ON CITIZENSHIP,
Tahlequah, Ind. Ter., Oct. 6th, 1887.

Docket No	Names	Age	Sex	Post Office Attorney.
1	Rebecca Dawson	48	female	Ernett, I. T.

1017

Boudinot & R.
Applicant for
Cherokee Citizenship.

Census Rolls, 1835,
to 1852.
Ancestor,
Moton.

V. S.
Cherokee Nation.

Office Commission Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug. 23th, 1889.

The above case was called and submitted by Attorney Rasmus without evidence. The Commission decide that Rebecca Dawson, aged 48 years is not a Cherokee by blood and not entitled to Citizenship in the Cherokee Nation.
Attest:

E. C. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J.E. Gunter, Com."

BY MR. HUTCHINGS: The Mat on next introduces the original envelope and contents in the case 198, of Mary Dawson, the contents being the application for citizenship, and the judgment as written up by the Court; also the judgment of the Court as copied in Book C, Page 145,- said judgment being rendered August 23th, 1889.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced is indorsed on back as follows:

"198, 2, Name, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Bowie, Texas, Aged 54, years, 1835 to 1852 Roll of 18- Ancestor, Moton, Filed the -- day of 9 18-- Docket 1018, Book C Page 145, Testimony on Journal-- Page-- Decision of Commission Rejected 23th day of August 1889. Submitted by Mr. Rasmus, Aug, 23, 1889."

"APPLICATION FOR CITIZENSHIP".

To the honorable Commission on Citizenship:

Gentlemen:- The undersigned, your petitioner, this day takes this his Application for re-admission to citizenship in the Cherokee Nation in accordance with the Constitution, and with an Act of the National Council, approved December 8th, 1866, creating your Commission. And respectfully makes the following statement of the grounds of this her application, to-wit:

That Mary Dawson is the Grand Daughter of one Heton who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-46 - 51 - 52.

The said petitioner hereby presents the above facts as the lawful grounds of this her application for Cherokee Citizenship by blood, and respectfully awaits the time when her Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 54, years; Postoffice, Bowie, Texas, family with their relationship attached is as follows:

No.	Name	Sex	Age	Relationship.
1	Walter Dawson	M	16	Son.

In witness of which application I hereunto set my hand on this the 4 day of October 1887.

Mary Dawson,

Boudinot & Reaves,
Attorneys."

- - - - - - -

COMMISSION CITIZENSHIP,
Cherokee Nation, Ind. Ter.,
Tahlequah, August 20th, 1888.

Mary Dawson,)
vs (Application for Cherokee
The Cherokee Nation) Citizenship.

The above named case having been submitted by W. F. Reaves, Attorney for claimant, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 16 yrs, are not of Cherokee blood, P. O. Bowie, Texas.

Will P. Ross,
Chairman,
J. T. Carter, Com."

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Said envelope also contains the following:

APPLICATION FOR CITIZENSHIP

TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen:- The undersigned, your petitioner, this day takes this his application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an act of the National Council, approved December 8th, 1866, creating your Commission. And, respectfully makes the following statement of the grounds of this her application, to-wit: That Jesse M. P. Dawson is the son of one Miley Dawson who the undersigned firmly believes was duly enrolled upon the - - - Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835, the undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee Citizenship by blood, and respectfully awaits the time when his application shall be truly heard and tried

in accordance with the aforesaid law, Age - - years; Post-office - - -; family with their relationship attached is as follows:

Names,	Sex	Age	Relationship.
Willia A. Dawson	Male		Son.
Richard A. Dawson,	"		"

In witness of which application I hereto set my hand on this the 4th day of Oct 1887.

(signed) James K. P. Dawson,

C. H. Taylor, Attorney.

- - - - - -

The judgment as recorded in Book C, Page 145, of the records of the Cherokee Commission on Citizenship, is as follows:

"Mary Dawson,

Office of Commission Citizenship.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	Mary Dawson,	54	female	Bowie, Texas.	
2	Walter Dawson,	18	male		

Boudinot & B.
Applicant for
Cherokee Citizenship.

Census Rolls 1833 to 1852
Ancestor
- - - - - -

vs.
Cherokee Nation.

- - - - - -

Office Commission on Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug 20th, 1888.

The above case having been submitted by W. P. Ross, attorney for said applicant, without evidence, the Commission decide that Mary Dawson aged 54 years, and her son Walter Dawson aged 18 years are not of Cherokee blood. Post office Bowie Texas.
Attest:

E. C. Rose,
Clerk Commission.

Will P. Ross,
Chairman.
J. T. Carter, Com."

- - - -

BY MR. HUTCHINGS: The Nation further introduces the original envelope in the case of Andrew J. Dawson, which said envelope contains his original application; also the judgment in said case recorded on page 38, of Book A, of the records of the Citizenship Commission of the Cherokee Nation, which said records are now in the custody of the Commission; the judgment is dated April 20th, 1889.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced above, is endorsed as follows:

"Name, Andrew J. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP, Address, Nevada, Mo. Age 44 years, + — 1835, Roll of 1835, Ancestor, — — Filed the 11 day of February 1887, Docket 37 Book A, Page 38 testimony on Journal + — Page, Decision of Commission, REjected, 26 day of April, 1889. Rejected."

The contents of said envelope are as follows:

"To the Commission on Citizenship.

Tahlequah, I. T.,
January 27, 1887.

	Age		
Andrew J. Dawson,	44	years	Male
E. E. Dawson,	16	"	"
Olive M. Dawson,	14	"	female
William H. Dawson,	11	"	male
Jessie K. Dawson,	8	"	"
Glennie D. Dawson,	8	"	female.

V.S.
Cherokee Nation.

Know comes Andrew J. Dawson, and five children claiming his right to Cherokee Citizenship by virtue of his Cherokee blood, he being a cousin of E. Dawson and others of the same name admitted to Citizenship by the Tom Tehee Court on Citizenship, which is a matter of record, we submit that as proof of the Justness of his claim, his ancestors will be found on the roll of 1835.

Respectfully;
A. J. Dawson &
five children,
by C. E. Taylor,
Attorney."

Post-office, (signed)
Nevada, Mo.

The judgment just introduced and found on page 38 of Book A, Records of Cherokee Commission on Citizenship, is as follows:

"Andrew J. Dawson,
Office Commission Citizenship,
Tahlequah, C. N., Feby 11, 1887.

Docket No Family	Name	Age	Sex	
1	Andrew J. Dawson,	44	Male	Nevada, Mo.
2	E. E. Dawson,	16	"	
37 3	Olive M. Dawson,	14	female	
4	William H. Dawson,	11	male	Applicants for
5	Jessie K. Dawson,	8	"	Cherokee Citizenship,
6	Glennie D. Dawson,	8	female	C. E. Taylor.

Rolls 1835.

Rejected April 26, 1889, (red ink.)

V.S.
Cherokee Nation.

Ancestors,

Filed Feby 11, 1897.

Adverse.

See decision in this case in that of L. R. Dawson, Book P.20.
rendered April 26- 1889.
D. S. Williams,
Clk Com."

- - -

BY MR. HUTCHINGS: We next desire to introduce the records in the case of this same Andrew J. Dawson, before the Commission to the Five Civilized Tribes, filed September 7th, 1896, and the judgment of the Commission thereon. Number of said case being 4,094. And the judgment of said case on Page 294, Book B., Dawes Commission Record, 1896. Judgment was rendered November 17th, 1896, denying the application.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The records just introduced, being those filed before Dawes Commission, 1896, in Andrew J. Dawson, et al., are as follows:

Registry Receipt,
Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind. Ter., Registered Letter, No. 409, Rec'd, of A. J. Dawson, addressed to S. H. Mayes, Tahlequah, I. T., (signed) D. A. Frayser, L.-P. M.

- - -

"Commission to the Five Civilized Tribes,
Vinita, Ind. Ter., Sept. 7, 1896.

See that you swear to your petition.

Evidence of service of copies of Chief or Governor may be secured as follows: If convenient get his receipt to file with your papers. If you cannot do this, register [illegible], and have some interested person to make affidavit in form about as follows:

I, S. H. Davidson, do solemnly swear that on the 7th day of September, 1896, I saw a package registered at the Post office at Vinita, Indian Territory, addressed to Hon. S. H. Mayes, Chief of the Cherokee Nation, Tahlequah, Ind. Ter., that registry receipt no.409, received from postmaster, hereto attached, is a receipt for said package, which contained true copies of the application of Andrew J. Dawson, et al of the affidavits of E. Dawson and T. H. Dawson in support of same.

(signed) S. H. Davidson.

Subscribed and sworn to before me, this 7th day of September, 1896.

(seal) (signed) [illegible],

Notary Public, First Judicial District, of the Indian Territory.

Attach receipt to this affidavit and send with papers to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, as we understand that packages are not promptly receipted for by the Chiefs and Governors.

xxx _____
For the Commission."

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:-

The undersigned, your petitioner, Andrew J. Dawson. ~~William H. T. Dawson Jesse K. D.~~ (Line in ink drawn through these names) for and on behalf of Lonnie E. V. Dawson, Olive Maud Dawson, William H. T. Dawson, Jesse K. Dawson, Glen Dale Dawson, James K. P. Dawson, William A. Dawson, Maggie E. Dawson, Richard A. Dawson and Mary E. Dawson and heirs, this day make their application to you for the purpose being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the funds and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokee Indians by blood, deriving the same from Captain John Rogers, Polly Rogers, Daughter of Captain John Rogers, married Samuel Dawson, whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the years 1817, 1818, 1819 and 1835 & 1838 the same to be submitted to your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his proof in support of said claim, and respectfully awaits the time when his application shall be passed upon and tried.

Respectfully submitted,
Andrew J. Dawson.

Enrollment of family, with relationship stated, as follows:

Names.	Ages.	Relationship.
Minnie E. V. Dawson,	25	Daughter,
Olive Maud Dawson,	23	daughter
William H. T. Dawson,	20	son,
Jesse K. Dawson,	18	son.
Glen Dale Dawson,	16	daughter.
James K. P. Dawson,	7	brother.
William A. Dawson,	15	brother.
Maggie E. Dawson,	8	Niece.
Richard A. Dawson,	17	[illegible]
Mary E. Dawson,	[illegible]	[illegible].

IF WITNESSES, [illegible] by September 1896.

(signed) Andrew J. Dawson."

Jurat on back as follows:

United States of America,
Indian Territory,
Northern District,

Andrew J. Dawson, of lawful age, being duly sworn states that he knows the facts set forth in the above and foregoing application and that the same are true as he verily believes.

(signed) Andrew J. Dawson,

Subscribed and sworn to before me on this the 3rd day of September 1896.

(signed) J. A. Tillotson,
Notary Public.

(Seal)
My Commission expires June 8th 1899.

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Indian Territory,)
Northern Judicial Dis- (SS.
trict)

Andrew J. Dawson, of lawful age, being by me first duly sworn on oath says that he is 52 years old that his post office address is Afton, I. T. Affidavit further says that he is a citizen of the Cherokee Nation and a Cherokee Indian by blood deriving his Indian blood from Polly Rogers daughter of Captain John Rogers, that Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Hiawathia river while emigrating to the west.

Affidavit further says that Samuel Dawson and Polly Rogers are his Grandfather and Grandmother and that Captain John Rogers was recognized by the National Council of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation of 1852 as follows: An act of the Council of 1842 page 62, an act of Nov. 17th 1843, page 30. also an act of Nov. 16 1846 page 204.

Affidavit further says that he is a blood relation of E. Dawson, F. M. Dawson, Joseph Dawson, and John Dawson who were admitted to citizenship by the Cherokee Nation and their names appear upon the authenticated rolls of 1883.

(signed) Andrew J. Dawson.

Subscribed and sworn to before me this 3rd day of September A. D. 1896.

(signed) J. A. Tillotson,
Notary Public.

(Seal)
My Commission expires June 8th 1899."

"Indian Territory,)
Judicial Dist.) S.S.
)

F. M. Dawson, of lawful age, being by me first duly sworn on oath says that he is 54 years old; that his post office address is Afton, Indian Territory, Affidavit further says I have known Andrew J. Dawson for the past 10 years. I have known him and recognized him as a Cherokee Indian and a cousin of mine, he claims to have originated from the family of Joe Dawson and he was a brother of Robert Dawson my father, and he being an offspring of Sam Dawson, who married Polly Rogers, a daughter of Captain John Rogers, who was a recognized Cherokee Indian.

(signed) F. M. His X Dawson Mark

Subscribed and sworn to before me this the 4th day of Sept 1896."

(signed) Frank L. Sharp
Notary Public. (Seal)"

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"Ind Ter
Northern Dist

This affidavit made this 4th day of Sept 1896 by E. Dawson of this Dist in the Cherokee Nation I have known A. J. Dawson 10 years and have known him and recognized him as a Cherokee Ind and a cousin of mine, he claims to originate from the family of Joe Dawson and he was a brother of Robert Dawson and being an offspring of Sam Dawson who was (line in ink drawn through word was) married Pollie Rogers a daughter of Captain John Rogers who was a recognized Cherokee Indian.

(signed) E. Dawson.

Subscribed and sworn to before me this 4th day of Sept 1896.

(signed) J. Barricklaw,
Notary Public,

My commission expires June 8, 1899.
(Seal)"

Indorsed on back: "No. 1509, A. J. Dawson vs Cherokee Nation Filed Sept 7-1896 A. S. McKennon, Com'r."

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Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabaniss, A. B. Montgomery, Commissioners.
In the matter of the application of
Andrew J. Dawson, Nation's No.....
Commission's No.....
for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy.

2nd. That the application does not state facts sufficient if true, to show that the applicant . . . entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that John Rogers through whom the petitioner claims to derive right to citizenship in the Cherokee Nation, is not now, - . . and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory, as at present located and defined; that his name does not appear on any of the authenticated rolls of said Nation; that neither any one of his ancestors now resides, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

Sto case Nation's No. 1873.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Mayes, Principal Chief Cherokee Nation.

B. Hutchings, Hastings & Boudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answers are true, to the best of his knowledge and belief.

(signed) John L. Adair,

Subscribed and sworn to before me this the 5 day of Oct 1896.

(signed) D. J. Ball,
Notary Public.

(Seal)"

Indorsed as follows: "Nation's No. 4079.
Commission's No. 4694, In re application of Andrew J. Dawson, DEMURRER AND ANSWER. Filed Oct 21 H. F. Jacoway, Sec."

The foregoing documents, comprising the 1896 papers as above set forth, are inclosed in envelope indorsed:

"No. 4694, Petition of Andrew J. Dawson, and heirs, Cherokee, 9-7-96. Rejected."

Which envelope is inclosed in jacket, marked "No. 4694."

- - - - - - -

BY MR. HUTCHINGS: Now we desire to introduce the records in the case of Joanna Barber, et als., No. 1864, the United States Court number being 90, and the Nation desires to call especial attention to the testimony of T. C. Rogers and Sarah Carter as set forth in this case.

BY MR. McKENNON: To all of which applicants object, because it is wholly irrelevant, immaterial and incompetent.

Records in said case are as follows:

blood is shown by proof here-
with filed.

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners authorized by an act of Congress of June 4, 1896, to hear and determine claims for Citizenship in the Cherokee Nation:

Gentlemen:- The undersigned, your petitioner, Joanah Barber, for and on behalf of himself and heirs, this day makes this their application to you for the purpose of being placed on the revised roll of Cherokee Indians and of those entitled to

share in the distribution of funds and allotments of land in the Cherokee Nation, by virtue of their Cherokee blood, and I herewith submit the affidavits of E. Dawson, D. H. Dawson, W. A. [illegible] & F. M. Dawson in support of said claim, and respectfully await the time when our application shall be heard and tried.

Respectfully submitted,
(signed) Joanna Barber,

Enrollment of family, with relationship attached, as follows:

Names	Age	Relationship.
Joanah Barber,	60	Daughter of Elizabeth or Betsy
Isaac J. " Husband	69	Polly, nee Dawson, who was a
Cain E. "	36	daughter of Polly Dawson, nee
T. R. "	34	Rogers who was a daughter of
James E. "	19	Aunt Jno Rogers and Riley Rogers
Johny "	6	nee Vann a Cherokee Indian by
Joel A. Barber	28	blood as is shown by proof here-
		with filed.

In witness of which I have set my hand on this 6 day of August 1896.

(Signed) Joanah Barber."

Indorsed as follows: "Pd $.50 No.... Petition of Joanah Barber for self on behalf of herself and heirs."

TO THE HONORABLE HENRY L. DAWES AND OTHERS COMPOSING THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitioner, Joanah Barber, would state and show from the proof submitted to the Commission that she is a Cherokee by descent and by blood having been born in Carroll County, State of Ark. on the 5 day of Dec 1837. My father's name was John Potty. My mothers name was Elizabeth Potter, or Dawson. That I now reside in the Cherokee Nation, and have resided there for 10 years. And I aver as those facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe. And I further aver that these facts being proved that I am entitle to be adjudged under the laws of such Nation and the laws of the Congress of the United States and the treaties of such Nation with the United States, a citizen of such Nation, with all the rights, privileges and protection of citizenship in such Nation. Wherefore she herewith respectfully submit to the consideration of the Honorable Commission such proof and on the hearing of the as adjudged entitled to such citizenship and her name be placed upon the proper roll as a citizen of such Nation.

(Signature Joanah Barber.

INDIAN TERRITORY,
) ss
FIRST JUDICIAL DIVIS)

Now on this [illegible] day of Aug personally [illegible] before me [illegible] a Notary Public in and for the [illegible] Joanah Barber, who being duly sworn upon her oath [illegible] the foregoing petition are correct and true.

Subscribed and sworn to before me this 6 day of August 1896.

(signed) W. J. Watts,
(Seal)" Notary Public.

- - -

"(COPY)
In the matter of the claim of Joanah Barber nee Joanah Petty to Cherokee Indian Citizenship in the Cherokee Nation , Indian ter itory.

Affidavit of S. R. Dawson.

Delaware District,
Cherokee Nation,
Firt Judicial Division,
U.S. Court, Indian Territory. } SS

S. R. Dawson, to me well known to be r liable and respectable, after being duly sworn according to law states on oath, that he is a bona-fide citizen of the Cherokee Nation by blood- that he is a resident of s id Nation- that his post-office address is Afton, I. T.; that he is fifty-one years of age- that he is well acquainted with the claimant Joanah Barber a d has as long as he h s known any person- that she is of Cherokee Indian descent- that her maiden name was Joanah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of Polly Rogers, a person of Cherokee Indian descent, who intermarried with Samuel Dawson, a white man- that he said Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann both well known Cherokee Indians.

Affiant is not directly nor indirectly interested i. the result of this application.

(Impress of National Seal) (signed) S. R. Dawson.

Subscribed & Sworn to before Jany 6 1898
(signed) W. P. Pickard,
Notary Public."

"United States of America,
Indian Territory, (ss
First Judicial Division.

I, William T. Ramus, a Notary Public within and for the Judicial Division aforesaid, do hereby certify that the next above in the within one page of an affidavit is a true and literal copy of the original ... me this day to be at Tahlequah, Ind. Ter y, this the Third day of July A.D. 1897.

(signed) William T. Ramus,
Notary Public, First Judicial Division, Ind. Terri. y.
(Seal) My Commission expires Feby 3, 1897."

(A copy)

In the matter of the claim of Joanah Barber nee Joanah Petty,

to Cherokee Indian Citizenship in the Cherokee Nation, Ind. Ter.

Affidavit of E. Dawson,
Coweescoowee District,
Cherokee Nation,
First Judicial Division,
U. S. Court, Ind. Ter. } ss

E. Dawson, to me well known to be reliable and responsible after being duly sworn according to law states on oath that he is a Bonified citizen of the Cherokee Nation by blood- that he is a resident in said Nation, that his Post office address is Talala, Ind. Ter.- that he is 38 years of age- that he is well acquainted with the claimant Joanah Barber and has been as long as he can remember any person- that she is a person of Cherokee Indian descent and her maiden name was Joana Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of one Polly Rogers a person of Cherokee descent, who intermarried with Samuel Dawson, a white man, that the said Polly Rogers was the daughter of Captain John Rogers a well known Cherokee Indian.

Affiant is not directly nor indirectly interested in the result of this application.

(signed) E. Dawson.

Subscribed and sworn to before me this the 24th day of Febry 1903
(signed) A. F. Williams,
Notary Public.

(Impress of National Seal here.)
Com. Exps. Sept. 26/06.

United States of America,
Indian Territory, } ss
First Judicial Division.

I, William F. Ramsus, a Notary Public within and for the First Judicial Division, Indian Territory, do hereby certify that the next above and within one page of an affidavit is a true and literal copy of the original presented to me at Tahlequah, Ind Ter. this the third day of July A.D.1903.

(signed) Wm. F. Ramsus.

(Seal) Notary Public, First Judicial Division: Indian Territory, My Commission expires Febry 7, 1907.)

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United States of America,
Western District of Ark. } ss.

In the case of our Joanah Barber claiming for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came before me William F. Ramsus, a Commissioner U. S. Court within and for said District aforesaid duly authorized to administer oaths E. A. Dawson, to me personally well known to be reputable and entitled to credit, and who being by me first duly sworn according to law, did depose and

and says: My name is W. A. Dawson, my age is 53; years; my post-office address Tulsa, Ind. Terry. I am a farmer by occupation, I am a citizen of the Cherokee Nation, I. T. by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: That he is personally well acquainted with the claimant, Joanah Barber- Whose Father's Name was Elizabeth (commonly called Betty) Petty, Dec'd nee Elizabeth Dawson, - a Cherokee Indian by blood, and who was the sister of his father James Dawson, Dec'd, a recognized and acknowledged Cherokee Indian by blood- she was also a sister of Robert Dawson Dec'd a recognized and acknowledged Cherokee Indian by blood- said Robert Dawson having been a full brother to said James Dawson- that therefore the said claimant, Joanah Barber is his (affiant's) first cousin by Cherokee Indian blood and that he so recognized and acknowledged her.

(signed) W. A. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry this third day of December A.D.1894.

(seal) (signed) Wm. J. Radcliffe,
United States Commissioner."

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"UNITED STATES OF AMERICA.)
Western District of Arkansas.)ss

In the case of Joanah Barber claim for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William J. Radcliffe, a Commissioner of the U. S. Dist. Court within and for the District aforesaid duly authorized to administer oaths in such cases, F. Dawson, to me made personally well known to be a credible and entitled to - - and who - - duly sworn according to law deposes and says: My name is Francis M. Dawson my age is about 57 years, my post-office address is Afton, Ind. Terry, I am a farmer by occupation, I am a citizen of the Cherokee Nation, by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: I am personally well acquainted with the claimant Joanah Barber, whose Father's name was Elizabeth (commonly called "Betty") Petty, nee Elizabeth Dawson, a full Indian by blood, said Elizabeth Petty was a full sister of my Father Robert Dawson Dec'd, a Cherokee Indian by blood- and I acknowledge the relationship by Cherokee Indian blood of Joanah Barber to me as first cousin- and I know that the said Joanah Barber therefore is of Cherokee Indian blood.

(signed) F. M. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry this 17th day of November A.D.1893.

(seal) (signed) W. J. Radcliffe,
United States Commissioner.

Indorsed on back as follows: "No. 1 Filed Nov 28 1893, Jas. A. Pinston, Clerk."

"Page X, Docket "B"
Joannah Barber.
Office Commission on Citizenship,
Tahlequah, C. N. August, 1897.

Docket, No.	Names	Age.	Sex.	Post Office.	Atty.
1	Joannah Barber	51	female	Vinita, I. T.	
2	Ailey J. Barber	34	female		
3	Irena Barber	24	female		
4	Erma Barber	22	female		
5	Atta Barber	20	female		
6	Mary Barber	14	female	applicant for	
7	Onies Barber	17	female	Cheroke Citizenship	
8	Joel Barber	31	male	Rolls 1839	
9	Calaway Barber	27	male		
10	Toliver Barber	26	male	Ancestor	
11	Riley Barber	15	male		
12	Edgar Barber	9	male		
	V.S.			John Rogers &	
	Filed Aug.12,1897.			Aley Prusit	

See decision this case in that of L. R. Dawson, adverse to claimant in this Book page 20.
This April 26th, 1899.

D. S. Williams, Clerk com.
Will. P. Ross, Chairman,
J. E. Gunter, Com."

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"S. R. Dawson.
Office Commission on Citizenship,
Tahlequah, C. N. Aug. 11th, 1897.

Docket, No.	Names.	Age.	Sex.	Post Office	Atty.
1	S. R. Dawson,	60		Catoosa, I. T.	
2	Parlee Dawson,	44	female		
3	America J.Dawson,	35	female		
4	Katherine J. "	25	female		
5	J. C. Dawson,	31	male		
6	Elias F. Dawson,	29	male		
7	Toliver Dawson,	27	male	Applicant for	
8	Erma Dawson,	20	female	Cherokee	
9	Fanny Dawson,	18	female	Nation	
10	John Riley Dawson	11	male		
11	Robt. L. Dawson,	9	male		
12	Clara Dawson,	7	female		
13	Cleveland Dawson	3		Ancestor	
	Filed Aug. 11, 1897.			John Rogers	
	Rejected April 26, 1899.				

Now this day comes the above case for final hearing, Samuel R. Dawson bases his application for re-admission to Citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson, a white man, Polly Rogers, the daughter of Captain John Rogers, and Aley Prusit claims to be half sister of Joseph Vann and [illegible] Who was of Cherokee blood. It is admitted that Jo[illegible]

Calloway Proctt died before the roll upon which their names would appear if living at the time, and specified in the 7th Section of the Act of December 6th, 1886, creating the Commission on citizenship were made, but in support of the application it is urged that certain members of the Dawson family the full brothers of the applicant were admitted to citizenship by the Commission on citizenship commonly known as the "Tehee Court" and "Spears Court" and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the constitutional which determined the decision of these Commissions or the testimony now introduced to authorize the admission of the present applicant is not revelent in the issue now pending. The 7th Section of the Act of December 6th, 1886, before named provides that the Commission hearing to any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the certain rolls of Cherokees taken by the United States, as more hereafter enumerated, neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls, the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission of citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the case of Andrew J. Dawson, James K. P. Dawson, Jonnah Barber, nee Jonnah Dawson, and Jane Queen, nee Jane Dawson and their families as enumerated in their respective applications.

William P. Ross, Chairman,
T. Brunch, Commissioner,
John E. Carter, Commissioner.

This April 26th, 1889,
D. S. Williams, Clerk Com."

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United States of America,)
Indian Territory,) ss.
Northern District.)

W. C. Rogers being duly sworn on oath deposes and says: that he is a citizen and resident of the Cherokee Nation, Indian Territory. That his post-office address is Ski-atook, Ind. Ter. that he was born and raised in the above said Nation and Territory; that he is 46 years of age:

Affiant further states that he is slightly acquainted with Irena J. Moore, an applicant for admission to citizenship in the Cherokee Nation as shown by copy of her application.

Affiant further states that his father's name was Charlie Rogers- who was a son of Captain John Rogers and the said Capt. John Rogers was the only man of that name that ever lived in the Cherokee Nation that this affiant ever heard of; that the said Capt. John Rogers this affiants grandfather lived at Grand Saline, I. T. and died in Washington, D. C.

This affiant states that his father Charlie Rogers was a brother of five brothers viz. Cynthia Rogers, Lewis Rogers, George Rogers, Nelson Rogers, Crawal Rogers and Randolph Rogers; that he (this affiant) was well and personally acquainted with the above said families except Crawal and Randolph Rogers, who were killed when this affiant was quite young.

This affiant states that he was 54 years of age, that his father, Charlie Rogers died, that his father never had any other daughter (living in the Creek Nation) brothers or sisters than the ones above mentioned; that the one Polly Rogers named in the application for citizenship of Irene J. House, was not a sister of his fathers; that his father never had but one sister viz, Cynthia Rogers that this affiant ever heard of; that this affiant was well acquainted with aunt Cynthia Crump-"

Just here the following is inserted on separate paper:

"EXECUTIVE DEPARTMENT OF
CHEROKEE NATION. I, John L. Adair, Executive Secretary of the Cherokee Nation, do hereby certify that I have compared the foregoing with the original record in this Department, and that the same are correct copies and transcripts therefrom.

In witness whereof I have hereunto set my hand affixed the Great Seal of said Cherokee Nation, at Tahlequah, this, the 5th day of Feb. 1896.

(signed) John L. Adair,
(Seal) Executive Secretary."

Then the above affidavit continues:

"(nee) Rogers that she lived with this affiant's father for a number of years prior to here death.

Affiant states that he has often heard his father, Charlie Rogers and his aunt Cynthia Crump (nee Rogers) talk about his relatives; that they never spoke of any other sisters in their family; that this affiant was about 20 years of age when his aunt, Cynthia Crump died; that they told him there never was (words "never was" marked over with ink) father never had any other daughter or daughter other than Cynthia Rogers

Affiant states that his father told him a number of times, that this affiants grandfather Capt John Rogers never had any other family other than the one above mentioned; that this affiant never heard his father Charlie Rogers or any of his relatives speak of his grandfather Capt John Rogers owning or running a boat up any river.

Affiant states his father Charlie Rogers was born on Mulberry, South-east of Van Buren, Arkansas, in the year of 1817.

Further affiant saith not.

. . Rogers.

Subscribed and sworn to before me this the 31st day of October, 1896.

(signed) Wil . . Hall,
Notary Public.
(seal) My Commission expires January 16th, 1900."

"United States of America,)
Indian Territory,) SS
Northern District.)

. . . . . being first duly sworn on oath states: that she is a citizen by blood of the Cherokee Nation, Ind. Ter. and is now living on Illinois River, I. T., that she is 66 years of age.

Affiant states that she is the daughter of Charlie Rogers; that her grand father on her father's side was Capt. John Rogers. Affiant further states that W. C. Rogers is her brother, and that she has read the foregoing affidavit of W. C. Rogers, and knows the contents thereof; that the facts therein set forth are true as she verily believes.

(signed) Sarah Dart r.

Subscribed and sworn to before me this the first day of October, 1896.

Willis M. Hall,
Notary Public.

My Commission expires January 16th 1900.
(seal)

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Indorsement thereon as follows: "No. 1874 Kansas U. S. 1897, Certificate No..... In the application of Jo Joanna Barber Berryer and A.A. Berryer et al. Filed Jan. A. Winston, Clerk. Filed Oct 7 1896 E. M. Jacoway, Dep."

BRIEF.

BEFORE THE HONORABLE COMMISSION OF THE UNITED STATES OF AMERICA,

duly appointed & empowered to Act, under and by virtue of the Act of Congress of June 10 1896, to hear and determine all claims for citizenship of the Five Civilized Tribes of Indians, to-wit:
Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians.

In the matter of the application for citizenship in the Cherokee Nation, of Joanna Barber and her children, to-wit:

Edith F. Barber, Pillin L. Barber, James F. Barber, Johnnie Barber and Joel A. Barber.

In the matter of the application for citizenship in the Cherokee Nation of Joel A. Barber and his children, to-wit: Lattie Barber, Tolliver Barber, Georgia A. Barber, Johnnie C. Barber, Jesse Barber and Ethel Barber.

In the matter of the application for Citizenship in the Cherokee Nation of Mary A. Barber and her child, to-wit: Ida Porter.

In the matter of the application for citizenship in the Cherokee Nation of Ella L. Murphy and her child, to-wit: Claude M. Murphy.

In the matter of the application for Citizenship in the Cherokee Nation of Ella Moore and her children, to-wit: Anna J. Moore, Jackson D. Moore, Rheby Moore and Clarence Moore.

In the matter of the application for Citizenship in the Cherokee Nation of Alice L. Hunt and her child, to-wit: [illegible] Hunt.

In the matter of the application for Citizenship in the Cherokee Nation of Alsey J. Smart and her children, to-wit: Georgia A. Smart and Ezzy L. Smart.

In the matter of the application for Citizenship in the Cherokee Nation of Jonnah J. Garlinghouse and her children, to-wit: Myrtle O. Garlinghouse, Cora L. Garlinghouse and Ethel L. Garlinghouse.

In order that the Honorable Commission may clearly and fully understand the proof and merits of the Claim of the aforesaid Claimants, we deem it necessary to present to the Honorable Commission, the Genealogy of one of said claimants, to-wit:

Joanna Barber, whose maiden name was Joanna Porter, daughter of Elizabeth Porter, the Dawes Roll Number [illegible] Polly Dawson, nee Rogers and the mother of Elizabeth Porter, who was a Cherokee Indian by blood and [illegible] the mother in question.

Joel A. Barber is a son of Joanna Barber, nee Petty and grand son of Elizabeth Petty, nee Dawson and a great grand son of Polly Dawson nee Rogers and a great great grand son of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted, Mary A. Barber, whose maiden name was Mary A. Barber, is a daughter of Joanna Barber and grand daughter of Elizabeth Petty, nee Dawson and great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Ella Murray, whose maiden name was Ella Barber, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabethe Petty, nee Dawson and a great great grand daughter of Polly Dawson nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Ella Moore, whose maiden name was Ella Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof.

Attie L. Hunt, whose maiden name was Attie L. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Alcey J. Shart, whose maiden name was Alcey J. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson, and a great grand daughter of Polly Dawson, nee Rogers, and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joanna J. Carlin-Howe, whose maiden name was Joanna J. Shart, is a daughter of Alcey J. Shart, nee Barber, and a granddaughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, nee Rogers, and a great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Therefore, the Claimants pray the Honorable Commission, that after a careful examination of their application and impartial investigation of the proof herein submitted, you will adjudge each of said Claimants, together with their aforementioned Children, entitled to citizenship in the Cherokee Nation, and that you place the name of each Claimant, and of or with the names of their aforementioned Children, upon the Cherokee roll, and that you issue to them all the rights, privileges and immunities of citizens of the said Cherokee Nation.

(signed) Hubbard, Carl & Latta,
Counsel for Petitioners.

Indorsed on back as follows: "No 3 Filed Feb 24 1897, Jas. A. Finston, Clerk."

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Commissioners,
Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cumming, Alexander B. Montgomery--H. M. Jacoway, Secretary.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,
Vinita, Indian Territory, Oct 2, 1896.

Joshua Barber et al
vs.
Cherokee Nation.

Filed Sept. 2, Answer Filed,
Application denied.

I, H. M. Jacoway, Jr., Secretary, do hereby certify that the above and foregoing is a true and correct copy of Cherokee Record A. page 297 of the Commission to the Five Civilized Tribes.

Given under my hand and official signature this the 12 day of Feb. 1897.

H. M. Jacoway, Jr.,
Secretary."

Indorsed as follows: "1864 No. 4 Filed Feb 24 1897 Jas. A. Finston, Clerk."

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"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Joshua Barber et al,
vs.
Cherokee Nation. No.1864.

AFFIDAVIT FOR APPEAL.

Now come the said Joshua Barber et al applicants for citizenship in this case by W. B. Watts, one of their attorneys, and pray an appeal from the decision of the Honorable Commission to the United States District Court as provided by the Act of Congress approved June the 10th, 1896.

And the said W. B. Watts, being duly sworn on his oath on behalf of said applicants says that the appeal herein in this case is not asked for the purpose of delay but that justice may be done the appellants.

(Signed) W. B. Watts,

Sworn to and subscribed to before me this 22nd day of Dec. 1896.

(SEAL) (Signed) J. C. Lindsey,
Notary Public.

My Commission expires March 4th 1897."

Indorsed: "Court No."

"Received of R. W. McCoy, Jr., Secretary of the Commission to the Five Civilized Tribes, the original papers, in the case of - - - - vs - - - - Nation, as follows:

Witness my hand and official seal at Muskogee this the 20 day of May 1897.

(SEAL)

(Signed) J. Q. Tinsley, Clk."

Indorsed: "Court # 9C No.1864, receipt for original papers in the case of Joanna Barber et al vs. Cherokee Nation. Received and filed this . . day of . . . 18. . Secretary."

"IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY, NORTHERN JUDICIAL DIVISION, AT MUSKOGEE, IND. TER.

Joanna Barber, Onis E. Barber, William R. Barber, James E. Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Dora Moore, Attie L. Hunt, Alcey J. Grant, APPELLANTS.

VS

CHEROKEE NATION, APPELLEE.

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Come now the appellants in the above entitled cause and petition the Court to grant an appeal in said cause from a decision of the Commission, known as the Dawes Commission, created and empowered to treat with the Five Civilized Tribes of Indians, to-wit: the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Indians, and to pass upon and decide applications for citizenship in the said Five Civilized Tribes, which decision by said Commission was rendered by authority of, but not in accordance with, an Act of Congress passed and approved June 10th, 1896, and by which decision on the 29 day of October, 1896 the aforesaid appellants were denied their rights to citizenship in the Cherokee Nation, Indian Territory.

The facts relied upon by the appellants to establish their rights to citizenship in the Cherokee Nation, as aforesaid are as follows: to-wit: The affidavits of E. Dawson, S. D. Lawson T. A. Dawson, F. M. Dawson.

Said affidavits fully and conclusively establishing the fact that said applicants are Cherokee Indians, by blood and descent, and entitled to rights of citizens in the Cherokee Nation.

Said affidavits, together with the application, of said appellants, were, prior to September the 10th, 1896, filed with and submitted to said Commission for its investigation, consideration and decision.

That a certified copy of said application, together with the accompanying affidavits, were served upon the Chief, or Attorney General, of said Cherokee Nation, prior to September the 10th, 1896.

The errors of the Commission in rejecting the claims for citizenship of said appellants are the grounds for appeal to this Court, to-wit:

FIRST. The Commission erred in rendering its decision on said claims adversely to the appellants and against the proof submitted by said appellants.

SECOND. The Commission erred in investigating the claims of appellants and denying them in the absence of a majority of the members of the Commission.

THIRD. The Commission erred in refusing the appellants the right and privilege of examining the proof submitted by appellees in support of the answers filed by the appellees and denying the appellants the right of their production to appellants answer or produce proof in support of the same.

FOURTH. The Commission erred in denying the appellants the right of a trial of their claims by a competent jury, as guaranteed to them by the laws and Constitution of the United States.

FIFTH. The Commission erred in refusing appellants the right to be present in person, or by attorney, during the trial and determination of their claims before said Commission.

SIXTH. The Commission erred in refusing to issue process for witnesses and the use and powers of an notary requested to do so by the appellants.

SEVENTH. The Commission erred in deciding against the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in deciding against blood, holding that blood was not a test of the right of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the question of residence, holding that residence in the Cherokee Nation was not a test of the right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their docket or record the grounds upon which the claims of appellants were denied and refusing to notify appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims and deny the same.

TWELVTH. That the Act of Congress approved June the 10th, 1906, was unconstitutional and had no power or legal right to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

THIRTEENTH. That Congress had no power by enactment to create, appoint and empower a judiciary, and said Commission erred in denying the claims of said appellants without any legal authority to do so.

Wherefore, the appellants of this cause pray that an appeal be granted to this Court and that a trial, de novo, be granted the appellants, and that said appellants be permitted to introduce new testimony, and that an order be made requiring said Commission to send all pleadings, papers and records filed herein in this cause to this Court, and that the Cherokee Nation, the appellee herein, be cited to appear

of this Court may plead and defend against the appeal, and why the appellants should not by the rules, orders and decisions of this Court be adjudged entitled to citizenship in the said Cherokee Nation, and the appellants will ever pray.

(signed)
W. B. Watts,
A. H. Garland,
T. J. Watts,
Attorneys for Appellants."

Indorsed on backs: "Cherokee Citizenship Case, No. 30 No. 4 Joanna Barber et al vs Cherokee Nation Filed Dec 23 1896 Jas A Pinston clerk. Watts, Garland & Watts, Attorneys for Appellants."

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"SUMMONS.

In Equity
United States of America,)
Indian Territory, (ss.
Northern District.)

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the Northern District, Indian Territory:

You are commanded to summon the Principal Chief of the Cherokee Nation, or the Attorney General of said Nation, to answer on the first day of next May term of the United States Court for the Northern District, Indian Territory, at Muskogee, Indian Territory, being the 4th day of May, 1897, A.D. 189-- a petition praying an appeal from the decision of the Commission to the Five Civilized Tribes duly filed in said Court by Joanna Barber, Chia F. Barber, Thos F. Barber, J. C. E. Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Emma Moore, Attie L. Hunt, Alsey J. Smart, who claim to be entitled to be enrolled as Citizens of said Nation, to the United States Court for the Northern District, Indian Territory, which petition is now pending in said Court, and take notice that failure to answer petition within thirty days from the time of the service of this writ, the same will be taken for confessed, and you will make due return of this summons in ten days after the actual service of this writ.

Witness the Honorable Willis N. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, this 28th day of Dec. 1896 A.D.189--

(signed) J. A. Pinston, Clerk.

(SEAL)"

"MARSHAL'S RETURN.

I received this summons on the 28th day of December A.D. 1896 and served the same as follows: W. T. Hutchings, Attorney for Cherokee Nation Indian Territory Agent by delivering to within named Indian Territory on this 29th day of January 1897

(signed) W. B. Watts

By ..... Deputy."

Indorsed on back as follows: "Citizenship Case No. 90 Cherokee Nation... Joanna Barber et al... Attorney for Claimants."

"Joanna Barber et al.
vs, No.90.
Cherokee Nation.

Mr. H. A. Gibson, Special Master, to whom this cause was referred, submits the following report:

"IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,
NORTHERN DISTRICT, AT MUSKOGEE.

JOANNA BARBER ET AL)
-VS)- : :00 REPORT OF SPECIAL MASTER.
THE CHEROKEE NATION.)

----------oOo----------

I, H. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings herein, which is hereto attached and made a part hereof, and I find as follows:

I

This this cause was instituted on September 9th, 1896, before the Dawes Commission to the Five Civilized Tribes, by Joanna Barber, and Isaac J. Barber, her husband, and their Children, Onis E., William P., James R., Johnnie and Joel A. Barber. That Joel A. Barber has the following children, Hattie Tolliver, George A., Frankie C., Jesse C. and Ethel Barber. That the application includes also Mary A. Bowers and her child Inez Bowers, Emma L. Murphy and her child Claud Murphy, Ella Moore and her children Anna J., Jackson D., Ruby M. Gladys, Attie L. Hunt and her child Norman Hunt, Albert J. Stuart and her children George A. and Ernest M. Stuart, Josephine J. Carlinhouse and her children Myrtle C., Cora L. and Bertha M. Carlinhouse. That this application was by the Commission tried and rejected on October 28th, 1896, with no reasons given for the decision, and that subsequently on December 21, 1896, the claimants appealed to this Court. That the parties all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be admitted to citizenship in the Cherokee Nation by reason of their descent from Polly Rogers, who is claimed to be a Cherokee Indian by blood. That there is filed in support of their application the affidavits of S. R. Dawson, E. Dawson, Francis L. Dawson, and F. A. Dawson, who testify that Joanna Barber is the daughter of Elizabeth Foley, nee Rowell, [illegible] of Polly Rogers, who married a white [illegible] Samuel Lawson, and that Polly Rogers [illegible] Captain John Rogers of Alleghany County. [illegible] are all Cherokee citizens by blood, [illegible]

claimants, and according to their testimony, related to them by blood.

The name is introduced to contravert this testimony the decision of the Cherokee Commission on Citizenship, rendered in the year 1907, in which these claimants were rejected by this Commission and also the affidavits of E. C. Rogers a grandson of Captain John Rogers, and Mrs. Sarah Carter, a granddaughter of Captain John Rogers, both of whom state that they never heard of any daughter of said Captain John Rogers by the name of Polly Rogers, and that Cynthia Rogers was his only daughter.

III

The claimants contend that they are residents of the Cherokee Nation, and are relatives of the Dawson family, who are recognized citizens of the Cherokee Nation by blood, and entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west; that his name does not appear on the rolls of the Cherokee Nation, and that he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

The premises considered, in view of the unsettled condition of affairs in the Cherokee Nation at the time when Captain John Rogers, the ancestors through whom these claimants trace their Cherokee blood, lived, and especially in view of the absence of a marriage license and of records pertaining to marriage, I am of the opinion that these claimants have proved that they are descended from Capt. John Rogers, who resided in the Cherokee Nation, and was a recognized citizen, though they do not show that he was ever enrolled as such, and I therefore find that the claimants are all residents of the Cherokee Nation, Indian Territory, and that they are all Cherokee Indians by blood. That they have resided in the Cherokee Nation since 1907, and probably longer, but the proof does not state definitely how long they have so resided.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted this 16 day of August, 1907.

(signed) W. A. Gibson,
SPECIAL MASTER.

y be paid.

No Exceptions filed."

BY THE COURT.

From this report it appears that the claimants base their right to be enrolled as citizens of the Cherokee Nation upon the grounds that they are the descendants of a Cherokee Indian by blood, but their ancestors through whom they claim have never resided in the Cherokee Nation as constituted. It appears that they have resided in the Cherokee Nation since 1907, and probably longer, but the proof does not state definitely how long they have so resided. It does not appear that the claimants or their ancestors have ever been recognized as citizens of the Nation.

The judgment of the United States Court in Indian Territory in case No. 31, and the application of [illegible]

to be enrolled as citizens of the Cherokee Nation on its decision."

Indorsed on back: "No.7 Joanna Barber et al vs Cherokee Nation. Final Report of Special Master, Filed August 17, 1897, Jno A. Winston, Clerk."

Foregoing papers in Joanna Barber case enclosed in jacket indorsed: "No Joanna Barber et vs Cherokee Nation."

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"NOTICE.

90
UNITED STATES OF AMERICA)
INDIAN TERRITORY (SS
NORTHERN DISTRICT.)

In the United States Court for said District.
In the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation.

To the Commission to the Five Civilized Tribes.

You are hereby notified that an appeal has been taken in the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said Court to transmit at the earliest time practicable to said Court, at Muskogee, Indian Territory, a transcript of all the entries made in the docket of your tribunal relating to the case, together with the depositions and testimony taken before said tribunal; the decision thereof on the application, and all original papers relating thereto.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 27 day of Dec. 1896. A.D. 189--.

(SEAL) (signed) J. A. Winston, Clerk."

Indorsed: "No. 1864 Joanna Barber et al vs Cherokee Nation, APPEAL ORDER OF U. S. COURT."

Foregoing paper enclosed in packet marked: "No. 1864."

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BY MR. MITCHELL:

We now introduce the original record in the citizenship case of Irene J. House, et al., before the Commission in 1896, the court number of same being 830, said case being denied by the Commission; appealed to the United States Court, and the decision of the Commission affirmed.

In this case we desire to call especial attention to the certified copy filed therein of the testimony of Arthur Miller, the certified copy having been made in 1894, being the testimony of Dr. Miller in the case of Robert Lawson et al vs Cherokee Nation, number 198, before the Citizenship Court, and which was made January 19, 1894.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The papers in Court No. 238, just introduced above, are as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19, 1902.

No. 108.
Robert Dawson et al) Exhibit C.
vs (
Cherokee Nation.)

Testimony for Claimants.

Witness, Dr. Arthur Baker sworn testified as follows:
My name is Arthur A. Baker I reside at Berryvill Arkansas Carroll County my age is 73 years I am not a Cherokee. I live in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carrolls County more 35 years - At my Mothers house near Calhoun I became acquainted with the claimants Robt Dawson grandmother on mother's side she was frequently at my mothers house though she Anna Pruet lived in the Nation side; She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee, the first time she brought the claimants mother to my Mothers house she the Mothers Mother was about grown when I was a little boy. She called her daughter Polly Rogers, Said Captain John Rogers who was a boat up the River was the father of the child; I saw the girl frequently there at my Mothers and there at Louis Ramsey Store.

I saw her occasionally until I was 15 or 16 years of old and I think then Old Capt. John Rogers took her off to school, I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson, I stayed all night there with them and I had a talk over our old matters and I asked her where she became acquainted with Dawson and she said at the time she was going to school and she said after she left school that Dawson followed her here, to the Nation and they were there Married. I have told that precisely in the words that she used, Capt John Rogers claimed to be one fourth Cherokee. The claimant is the son of Polly Rogers, and I know Polly Rogers to be the daughter of Anna Pruett and I know the claimant to be the son of Polly Dawson.

Capt. Rogers then reside in the Cherokee Country about twenty (Word "twenty" marked through) twelve miles below Calhoun on the Hiwassee River Anna Pruet resided in the Cherokee Nation as long as I stayed there [illegible] I got acquainted with them Arkansas were not [illegible] were no Cherokees. Robert Dawson children in [illegible] Marian and two girls, The children met in the [illegible] I recognized as being the claimants.

Question by Solicitor:

No. 1 How many children [illegible]
Ans. 1 Five I [illegible]
No. 2 Did [illegible] twice?
Ans. 2 The claimant [illegible] married twice.
No. 3 Could Anna Pruet speak Cherokee?
Ans. 3 Yes, she could speak it well.

Ques 4 Did Polly Rogers move to reject?
Ans. 4 She did when I was young.
Ques 5 How far did you live from A ? Pruet?
Ans. 5 Just across the riv about 3/4 of a mile.
Ques 6 Was Calhoun in the Cherokee Nation?
Ans. 6 It was on both sides of the river part in the Nation and part out in the state.
Ques 7 Which Hannage was it went to Texas?
7 George went first, then John went, they were the sons of old man Hannage, that lived up near the line.
Ques 8 Did the Claimant go to Texas?
Ans. 8 No the Claimant did not go to Texas.
9 What connection was claimant and Polly Rogers?
9 The Claimant is the son of Polly Rogers
Marion Nave is the grandson of Polly Rogers.
10 Where does claimant now live?
10 He lives in Carroll Co Arkansas.
11 Do you know what relation old Capt John Rogers was to Charles Rogers here in Ceowee Coowee?
11 They claimed him but what kin I dont know there were two Capt John Rogers in the Nation I am speaking of the time when I first came to this country about the year 1830.
12 Was Anna Pruet the maiden name of claimants grandmother
12 Yes that was her maden name the Indian called her
Since

his
(signed) Arthur x Baker
mark

Witness hand paralyzed is the reason why he signed by a mark this x

I R T Hanks Assistant Executive Secretary do hereby certify that the foregoing document is a true and correct of the original as appears of record in the Executive Department of the Cherokee Nation.

Given under my hand and the seal of the Cherokee Nation on this the 5th day of December 1894.

(seal) (signed) R. T. Hanks,
Asst Exec Sec. "

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"To the Honorable the Dawes Commission on Citizenship in the Five Civilized Tribes in the Indian Territory:

Your petitioner, Irene J. House, undersigned, respectfully states that she is a Cherokee Indian by blood, as asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That she derives her said Indian blood from Joannah Barber her mother, who is a Cherokee Indian by blood The said Joanna Barber being a daughter of Elizabeth Petty who was the daughter of Polly Rogers and Samuel Dawson, the said Polly Rogers being the daughter of Captain John Rogers and Anna (alsy Vann) Pruet, Cherokee Indians, as shown by certified copy of the affidavit of Dr. Arthur A. Baker, which is hereto attached as Exhibit A also affidavits marked exhibits B- C- D- and E.

Your petitioner states the above facts as the lawful grounds for her application for citizenship in the Cherokee

Nation, and prays that her claim may be fully investigated by your Honorable Commission and that she be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 34 years. My Post Office address is Talala, Ind. Ter. My family consists of the following named persons: My husband and children as follows:
W. J. House, aged 34 years; Chas. C. House, aged 9 years; Vinson T. House, aged 8 years, Anny V. House, aged 5 years.

WITNESS my hand this 19 day of August 1896.
(signed) Irene J. House.

- - - - - - -

Northern Judicial
District, Ind. Ter. SS.

Personally appeared before me, the undersigned authority, Irene J. House, to me known to be the petitioner in the above petition, who being by me first duly sworn upon her oath says that she is the petitioner in the above petition, that she has read (or heard read) the said petition and that the facts stated therein are true, as she verily believes.
(signed) Irene J. House.
Subscribed and sworn to before me at Talala, Ind. Ter. this 19 day of August A.D.1896.
(signed) J. Barrickla..,
Notary Public, My commission expires
(seal) June 8 1899."

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"Exhibit A.
Northern Judicial Division,
Indian Territory,
Joanah Barber being duly sworn according to law, on oath states My name is Joanah Barber I am 61 sixty one years old My Post office address is Watova Ind Ter- My husband occupation is farmer I am a Cherokee in Coowescoowe District I am a Cherokee Indian by blood my mother being Elizabeth Petty (nee Dawson) Daughter of Samuel Dawson and Polly Dawson (nee Rogers) and said Polly Rogers is a daughter of Cant Rogers and Ann Vann (commonly called Aleey Vann) the following Irene J. House is my daughter; she was born in Williamson County, Texas Nov 15th 1863, moved with her husband children to the Indian Terry and settled near Talala I Tery
(signed) Joanah Barber
Subscribed and sworn to before me this 19 day of Aug. 1896.
(signed) J. Barrickla..,
Notary Public, My commission expires
(seal) June 8 1899

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"EXHIBIT B.

Indian Territory,
Northern Judicial District ss.
F. . Dawson being duly sworn upon his oath
in cases and says:

My name is F. M. Dawson; I am 54 years of age; my post office address is Afton Indian Territory I am a farmer by occupation and reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my grandmother whose maiden name was Polly Rogers through my father Robert Dawson, My grandmother Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee. My grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1832 and settled in western Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory, Robert Dawson, the father of the affiant was also a recognized citizen of the present Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson father of this affiant and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of said Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers The said Elizabeth Petty was the mother Of Joanna Barber who is a full cousin by blood of this affiant in the Indian side. The said Joanna Barber is the mother of Irene J. House nee Barber who is a second cousin of this affiant in the Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and draw their per capita money all the last payment; said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, derives her Indian blood and right.

This statement I have made to John H. Koogler, a Notary Public at Muskogee Indian Territory and it has been written down by him at my dictation. Such part of this testimony which refers to matters occuring previous to my recol ection I know by means of family history and traditions which facts I have always been taught and told of by my parents and grand parents from childhood up, to facts stated as occuring since my childhood I know of my personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irene J. House for citizenship in the Cherokee Nation.

(signed) F. M. Dawson."

"Indian Territory,
Northern District.

I John H. Koogler, hereby certify that the annexed and foregoing statement affidavit was dictated to me by F. M. Dawson and was subscribed and sworn to before me and was written by me from his oral statement at my office in Muskogee Indian Territory this 14 day of August 1906, and I further certify that the said F. M. Dawson is personally known to me and that he is a creditable person and entitled to belief.

(signed) John H. Koogler,

(seal) Notary Public."

Northern Judicial District,
Indian Territory.

EXHIBIT D.

E. Dawson, being duly sworn according to law on oath states: My name is E. Dawson; I am 61 years old; my post office address is Talala, Ind. Ter. I am a farmer by Occupation, and reside in Cooweescoowee District- Cherokee Nation. I am a recognized Cherokee Indian by blood, and exercise all the rights and immunities of a Cherokee Citizen now living in the present Cherokee Nation. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from My Grandmother Polly Rogers through my father, Robert Dawson. My grandmother Polly Rogers was a Cherokee Indian and was married to my grandfather Samuel Dawson in the old Cherokee Nation in Tennessee. My Grand Parents, Samuel Dawson and his wife Polly Dawson whose maiden name was Polley Rogers came West from the Old Cherokee Country in about the year 1838, and settled in Western Arkansas, and later came on to the Cherokee Nation. My Father Robert Dawson was a recognized member of the Cherokee Nation when he died, by reason of his Cherokee Indian blood.

The said Robert Dawson, the father of this affiant, and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being Children of the said Samuel Dawson and Polly Dawson his wife who being the same Polly Rogers as aforesaid. The said Elizabeth Petty was the mother of Joanah Barber who is a full cousin by blood of this affiant on the Indian side, the said Joanah Barber is the mother of Irena J. House, whose maiden name was Irena J. Barber [illegible] second cousin of this affiant on the Cherokee Indian side. This affiant further states that he has seventy five to a Hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians of the present Cherokee Nation and exercise all the rights and privileges of such Cherokee citizens, they having drawn their shares of the Strip money at the last per capita payment made by the Cherokee Nation.

Said citizens and relatives derived their Cherokee Indian blood from the same source, as did the above named Irena J. House.

I have made this statement before J. Parrickle, Notary Public at Talala, Ind. Ter, and affiant further states that he has no personal interest in the prosecution of the claim for citizenship in the Cherokee Nation of the said Irena J. House.

That the above facts which are within the personal knowledge of the affiant or within his years of discretion he knows personally, and the other facts which occured before the recollection of affiant he testifies to as of what he has been taught from his family history and traditions.

That the relationship existing among all his people in the Cherokee Nation he knows from his personal knowledge and that they are related to the Cherokee Indian side.

(signed) E. Dawson.

Subscribed and sworn to before me this the 19 day of August 1896

(signed) J. Parrickle,

Notary Public, My Commission expires June [illegible], [illegible].
(seal)." Notary Public.

"Cherokee Nation,
Coowescoowee District. EXHIBIT E.

Before me the undersigned authority this day, personally appeared W. A. Dawson who is to me well and personally acquainted, and after being duly Sworen; deposeth and says, that he is well acquainted with Irena J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of Joana Barber, who is a neice of Robt. & James Dawson, who are both Cherokee Indians and recognized citizens of the Cherokee Nation.

Affiant further states that Irena House is the grand daughter of Mrs. Petty, who was a full sister of Robt & James Dawson.

Affiant further says that he knows that Irena House is a lineal descendant of Annie Dawson whose ~~children~~ (line drawn through word "children") sons, Robt & James before spoken are recognized citizens.

Affiant further says he has no interest in this suit.

(signed) W. A. Dawson.

Sworn and subscribed to before me this 17 day of August 1896.

(signed) William Lynch
Notary Public.

(Seal) My term expires Feb 6 1900."

Foregoing indorsed on cover as follows:
"No: 3099 5464 Before the Dawes Commission on Citizenship in the Five Tribes. Irene J. House V.S. The Cherokee Nation. Petition and Proof, Will E. Linton, for Petitioner. Filed Sept 8 1896 A. S. McKennon, Com'r. Denied. Filed Feb 20 1897 Jas A. Winston clerk."

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"Received of W. H. Jacoway, jr., Secretary to the Commission to the Five Civilized Tribes the original papers in the cause of .... vs..... Nation, as follows..... Witness my hand and official seal at Muskogee this the 20 day of Feb' 1897 J. A. Winston, Clerk."
(Seal)"

Indorsed: "Court No.232 No. 5464 Receipt for original papers in the case of Irena J. House vs. Cherokee Nation, Received and filed this ..... day of..... 189..."

- - - - - - -

"Irene J. House et al,
vs. No. 232
Cherokee Nation.

Mr. W. A. Gibson, Special Master to whom this cause was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSKOGEE.

IRENE J. HOUSE ET AL

VS # 838 REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION.

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I, M. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings on file in this case which are made a part of this report, and that I find as follows:-

I

That this case is in reality a branch of Case No. 90, Joanna Barber vs Cherokee Nation, the principal claimant herein being Irene J. House a daughter of Joanna Barber.

That this cause was instituted on September 8, 1896 at which time application was made to the Commission to the Five Civilized Tribes for citizenship by blood in the Cherokee Nation.

That this case was tried by the said Commission on November 24, 1896 and the applicants denied, no reasons being given for the decision, and that on January 30, 1897, the parties appealed from said decision to this Court.

That this application was made by Irene J. House, her husband, W. J. House, and their children Chas., C. Winston T., and Henry W. House. That they file in support of their application the affidavits of Joanna Barber, T. B. Dawson, Arthur A. Baker, E. Dawson, and W. A. Dawson. That these Dawson witnesses are citizens by blood of the Cherokee Nation., and state that they are related by blood to the claimants herein on the Cherokee side. The claimants base their contention of a right to Cherokee citizenship upon the fact that the claimant Irene J. House is the daughter of Joanna Barber, who is the daughter of Elizabeth Petty, who was the daughter of

Polly Rogers, and that Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann, who were recognized Cherokee citizens by blood. That the testimony shows that this Dawson family are recognized citizens of the Cherokee Nation, and that the claimants herein are cousins by blood upon the Indian side, and that they all claim through said connection, Polly Rogers and Captain John Rogers and Ailsey Vann, who were all recognized Cherokee Indians.

II

The appellee introduces in defense the record of the application of these claimants to the Cherokee Commission for Citizenship in the year 1896, and the record of the rejection of the claimants, and further the affidavits of W. A. Bowman, and Mrs. Sarah Carter, a grand daughter both of whom state that they never heard of any daughter of Captain John Rogers by the name of Polly Rogers, and that he had only one daughter, whose name was Cynthia.

III

The Claimants contend that they are residents of the Cherokee Nation and are relatives of the Dawsons, who are

recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name does not appear on the rolls of the Nation, and that neither he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

IV

The premises considered, I find that the claimants are the descendants of Captain John Rogers, and that it was entirely possible that in the condition of affairs at that early date in the Cherokee Nation, especially owing to the absence of a marriage law and of records pertaining to marriage, that these claimants should be the descendents of Captain John Rogers by a daughter, Polly Rogers, of whom the affiants for the appellee may never have heard.

I find that the claimants are residents of the Cherokee Nation, Indian Territory, where they have resided since 1887, and that they are Cherokee Indians by blood.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted, this 9 day of Nov 1897.

(signed) H. A. Gibson,
Special Master.

My fee paid,
No Exceptions filed."

Foregoing papers indorsed on cover as follows: "230, Irene J. House et al V Cherokee Nation Final Report of Special Master, Filed Nov 10 1897 Jas A. Finston, Clerk."

Foregoing papers enclosed in jacket indorsed as follows: "230, Irene J. House, et al vs. Cherokee Nation."

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BY MR. HUTCHINGS:

Well we close for the present.

TESTIMONY INTRODUCED ON BEHALF OF THE APPLICANTS:

D. W. C. DUNCAN, being first duly sworn, and being examined, testified as follows:

BY MR. [illegible]:

Q Please state your name, age and residence? A My name is D. W. C. Duncan, my age is 72 years, my residence, Vinita, Indian Territory.
Q Are you a duly recognized citizen of the Cherokee Nation by blood? A I am.
Q You gave testimony in this case once before did you not, before the Dawes Commission? A I did.
Q Before this Commission I will say, this Commission? A The Dawes Commission? A Why I don't recollect who the Commissioner was, that was taken at Vinita, ex parte.
Q Were you in any way connected with the Cherokee Citizenship Commission in 1883 known as the "Tehee Commission"? A I was Clerk of that Commission.

Q For what length of time? A I don't recollect the exact length of time, I think it was about thirty days, during the continuance of that Commission, existance of that Commission.
Q You were the main clerk it had during its existance were you?
A I think I was.
Q You were Clerk of that Commission when it rendered a decision in favor of Robert Dawson et als, as found on page 114, of its record, numbered 108 (witness examines record referred to.) now in the possession of this Commission? A I was.
Q The members of that Commission were the same as shown by the signatures to this judgment were they? A The same, yes, sir.
Q [illegible] Chee, Pre ident of the Commission, Alex Wolfe and T. F. [illegible] Commission as, that is correct, is it? A That's correct.
Q [illegible] brought when this case was under consideration by that [illegible] when it rendered this judgment in the case? A I was.
Q [illegible] to that time acquainted with R. W. Dawson, only [illegible] Dawson", Campbell Taylor and Samuel H. Benge, who were [illegible]neys, who were Cherokee attorneys at that time? A I might [illegible] merely knew Mr. Dawson; all I know of him was I saw him [illegible] as a party to the suit. I knew Mr. Taylor and Mr. Benge more extensively; I have known them a number of years.
Q They were recognized Cherokee citizens were they? A They were.
Q Was Taylor not known generally as a Citizenship Attorney?
A I think he was.
Q Do you remember seeing him and Benge present at the time this cause was under consideration by the Court? A Why I do not recollect seeing Mr. Benge, I cannot recollect, but I can recollect of seeing Mr. Taylor about the Court room now and then.
Q Do you know who submitted the case to the Court for the applicants? A Let me understand the meaning of that; who brought the case?
Q Who called up the case? A No, I don't recollect.
Q Do you remember whether that Commission rendered any other decision than that found upon this record in that case? A I never had any knowledge only but one decision.
Q Was that in favore of or against the applicants? A It was in favor of them; I will say this: that if there was another decision other than the one that appears on the docket now before you, I have no recollection of it.
Q The only decision you have any knowledge of was recorded by you in this book as here shown was it not? A That is the only one that I have any knowledge of.
Q Did Dad Dawson pay you any money in connection with that case?
A He did not.
Q [illegible] ever promise to pay you any money for your influence [illegible] count in that case? A Never.
Q [illegible] you any money, either directly or through any [illegible] person? A For my influence in that case?
Q [illegible] Court? A Never.
Q [illegible] have any knowledge of him having paid to the Chief [illegible] member of the Court any money for the purpose of influencing [illegible] judgment in that case? A None whatever.
Q [illegible] you have opportunity of observing his conduct during that [illegible] at the time? A The only opportunity that I had was during [illegible] session of the Commission; I saw but very little of him during the recesses of the Commission; now and then I would see him in passing.
Q Did you see anything in his conduct toward that Court which indicated that he had used undue influence in procuring that judg-

ment? A I never observed anything of the kind; nothing that awakened a suspicion in my mind that he was engag d in that kind of practice.
Q Did Campbell Taylor at any time after the rendition of that judgment pay to you any money as coming through him from Bud D son for any services which you had rendered to him in that case?
A Yes, he paid me some.
Q What amount? A My recollection is that, I think it was a twenty dollar bill. I don't know but I had better go and state the transaction, all about it.
Q Yes, sir. A Mr. Dawson, Bud Dawson, during the trial of the case occasionally applied to me at my desk for writing paper, issue of a subpoena or transcript, something of that kind: I always treated him with courtesy and proper official consideration. He seemed to appreciate it, and whenever I did services of that kind to him, says he, I have no money, Mr. Duncan, but I feel as I ought to pay you. I told him I made no charges for work of that kind. And in passing I might state that I never received a cent for any kind of that work which I had been in the habit of doing for various parties before the Court.

After his trial was concluded, in the afternoon a little while before supper time I went to my hotel, The National Brick Hotel in Tahlequah; went to my room, felt a little tired, laid down upon the bed to rest. I recollect Mr. Duncan stepped into the room, drew a chair up to the bedside and sat down and commenced giving expression to his gratification at the success of his case, dwelling mostly upon the testimony in the case being so satisfactorily, establishing his Cherokee blood, and that he thought that he was entitled and that he had received justice by the Court. I listened to him, and we talked there I guess some ten or fifteen minutes; after a little he says, I must go to-morrow, I think he says to-morrow, I must go home,- he then lived down in Arkansas somewhere. Says he, Mr. Duncan, I believe I owe you something, ought to pay you something. Alluding, as I understood, to these little courtesies that I extended to him at my desk. Says I, I make no charges, Mr. Dawson, for services; if I have done you any good you are welcome. Well, says he, I feel indebted to you, I ought to pay you. I says, that makes no difference; I will leave that to you. Says he, I have hardly enough money to get back home. He shook my hand, and the last word he says to me, I won't lose anything for your kindness to me; I thought he had reference to my services at the desk. That was the last I saw of Mr. Dawson, oh it must have been a year afterwards; I had taken a little claim on the public domain up there in Delaware District, staked off what I intended to be a farm, merely staked, I didn't make any other improvements, over there on Horse Creek. Went over in that part of the country to look after my claim, and I ran across Mr. Dawson, he had come into the Country and located and built him a little shanty and was living in it; I called upon him, he was very glad to see me; I asked him what he was doing there: he said he had moved into the country, and I told him, says I, you are encroaching upon me here; he had spread his claim over part of mine, mine had been made so long it was outlawed under Cherokee law. Well, says Mr. Dawson, I don't feel like losing you any wrong, I will pay you for your claim, and we will settle the matter in that way, that he as soon as he got his little matters together that he would satisfy me for it. Well we parted at that point. It ran on then for a long time, I don't know how long,- I think I met him in Vinita, and says he, Did Camp Taylor pay you any money that I sent to you? Says I, No, I have not seen Camp Taylor.

Yes?, says he, I have his some money and told him to hand it to you when he, and, says he, you ask him and he will hand it over to you; I guess. Well we parted then. Well, went on for some time, some months; I happened to meet Mr. Taylor in Tahlequah; I met him on the street I think, tecularly I slapped my hand on his shoulder, says I, look here, did Mr. Dawson any money to me by you? He says, yes, and he pulled out what I recollect to be a twenty dollar bill, and handed it to me; I received it, and I received it with the idea that he had compensating me for taking up my claim, or possibly for doing him those little services in the Court. Now that is the full and substance of the whole thing.

Q Was not that twenty-five dollars, Mr. Duncan? A It might possibly have been, my recollection does not serve me exactly, it might have been 25 dollars.

Q Did Campbell Taylor pay you any other money as coming from Bud Dawson? A Never a cent.

Q Did he at one time pay you fifty dollars out of a hundred dollars which he had received from Mr. Dawson? A Never.

Q Did he on a second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson? A None at all.

Q He paid you no other money than that you have already stated, from Mr. Dawson? A Not a cent.

BY MR. McKENNON: We offer in evidence the judgment of the Cherokee Citizenship Commission before referred to, and ask that it be filed in evidence in the case of every application made by members of the Robert Dawson family who claim under it, or through Robert Dawson, as citizens of the Cherokee Nation, said judgment being found on page 114, Records of the Tahlequah Court, 1880 to 1884, case number 108, judgment dated January 11th, 1883, signed by Thomas Taher, President, Alex Wolfe, T. F. Thompson, Commissioners. D. W. C. Duncan, Clerk Commission.

The said judgment just introduced is as follows:

"Office Commission on Citizenship,
Tahlequah, C. N., September 24th, 1881.
No. 108
Robt Dawson,
Elbert Dawson,
Jasper Dawson,
John Dawson,
Josephine Dawson,
Joseph Dawson, Petition for Citizenship
Jane Dawson,
Molly Dawson,
Wiloron Dawson,
James Dawson,
Vial Dawson,
vs.
Cherokee Nation.

Continued by the Plaintiff, Oct. 5, 1881.

January 13th, 1883.
The above case continued by the Cherokee Nation till next.

term. Agreed by the parties that the above shall not be taken up for final disposition before a two thirds day of Oct. 1882.

October 4th, 1882.

It is agreed by the parties that this shall be finally disposed of at this term if the claimant is present. Otherwise, if not, the case shall be continued to the next January term of court, January 1883.

And now this 11th day of January A.D. 1883 this case coming on for final hearing, and all the evidence produced in the case being heard, and duly considered by the Commission it was adjudged and determined by the Commission on citizenship that the claimants, Robert Dawson, T. J. Dawson, Elbert Dawson, James Dawson, John Dawson, Jo Annie Dawson, Joseph D wson, Ida Dawson, Lelly Dawson, Timothy Dawson, Jessie Dawson, and Ned Dawson, are Cherokees by blood; and that they are entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they are, hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

(signed) Thos. Tehee,
President of Com.

D. W. C. Duncan,
Clerk of Commission.

Alex Wolfe,) Commission,
T. J. Thompson,) Cherokees.

Transcript issued to Claimants, January 11th, 1883,
(signed) D. W. C. Duncan, Clerk."

Marginal Note: "Case submitted by Claimant January 11th 1883. Case submitted by Solicitor January 11th, 1883."

Q Do you remember now if any members of the Court not present when this judgment was rendered, or were all of them? A My recollection upon that point is not positive, but I think my attention upon what I know to be the practice of the Court at the time, making the names of all three Commissioners there, I can say with a great deal of positiveness that they were all present, because I never signed the name of one of the Commissioners unless he was present, assenting to it or directing it.

Q The rendition of that judgment then was concurred in by all of the three judges? A It was.

Q Mr. Duncan, if there had been a decision rendered the day before in this case while the Court was in session adverse to these claimants, would you have known it? A I certainly should have known it.

Q Was there any such decision of the Court? A None to my mind. I can say positively there was not.

Q How many of these judges are now living? A Only one.

Q Who? A Mr. Thompson.

Q Tehee and Wolfe are dead? A Tehee and Wolfe are dead.

Q How long have they been dead, do you know? A I do not know quite a number of years. I wasn't living there. Never have learned when their death occurred, and their death occurred perhaps a long time before I got knowledge of it. It is generally understood that they are dead.

Q Do you remember the case when [illegible] A Mr. Bryant
in his argument in Court at [illegible] and Bryant. I have
been thinking, and I don't quite understand it. I [illegible]
Bryant except that, until after [illegible]
to the position of [illegible].

(At this point a party who was sitting in the room
in which the Court was being held, was called forward,
sworn as a witness, and asked to be seated.)

BY MR. HUTCHINSON:

Q Mrs. Burgin, when did you become clerk of the Tenth Corporation Court? A I became clerk on December, 1934, at the time the Commission of Appeals [illegible] Council in [illegible]. They were [illegible].

Q December 1934? A I think so.

Q Why are you doing [illegible] in your handwriting in 1933? A Mr. Carr [illegible] after they were elected sometime.

Q The Court was elected in '33, wasn't it? A Well, I [illegible] I don't pretend to say when the Court was elected, but we have said at the time I was [illegible] clerk. I was [illegible] the close of the session of the National Council of that year.

Q '34? A I think it was '34.

Q You entered up this judgment rendered January, 1933? A Yes, that was the session of the Corporation.

Q That was before you [illegible] of it? A Well I [illegible] ship for only three [illegible] continuously.

Q Well but what you mean to say is that your [illegible] clerk when the [illegible] case was heard on? A No, I don't mean to say that.

Q How could you be clerk when the [illegible] when you were not elected until 1934? A I am [illegible] that, '34 comes after '33, it was the [illegible] 1933, it must have been '32.

Q Your first entry in the Record is dated March 17, 1933, isn't it?

Q I don't recollect what my first entry was. (Attorney shows the record to witness) Yes, that is my entry [illegible].

Q And that was shortly after you became clerk wasn't it? A Yes, shortly after I became clerk.

Q The case had been entered upon the docket before you became clerk?

A I think so, yes, it was entered in the previous term of the [illegible].

Q In whose handwriting was the names of the three Commissioners signed to that judgment? A Mr. Carr's?

(Attorney shows record to witness again) A That is my handwriting.

Q All three names? A All three names.

Q The record [illegible] that you immediately gave them that day a transcript of the judgment. Do you know who signed that? A Signed the transcript?

Q Yes, sir. A I do not recollect now, this is, did the writing?

Q Signed the name to it? A Yes, that's it.

Q You always [illegible] and Mr. Mason and Mr. Carr and Mr. Folks didn't you? A I think I did generally; I don't know of their [illegible] to write [illegible].

Q When the [illegible] there didn't he sign his own name? A Sometimes he did, sometimes he simply authorized me to do it.

Q Have you any recollection of the authority you had to do it except from the fact that you have done it on that record frequently? A I can't recall any [illegible] authorization, but I can say very truly that [illegible] the record, that is authority for me to do it [illegible].

Q Will you look at the original transcript hereby shown you and referred to in the jurat and say who signed the name of the Commissioners there? A (Papers shown to witness) A I signed that there.

Q You recognize that as your handwriting? A I do.

Q What made you when you were testifying at Tbilisi before Mr. Martin, or before at the time signatures, and being asked whether or not that was your signature and that the signature thereon was in the nature of Mr. Thompson? A Occurred to me that I had seen one of the records in the case for some time. The exact question in the court has vanished about, although the [illegible] I recollected at that time, however, when I was [illegible] before the Commissioner, Martin, that that was a [illegible] of the Court at the time I served by which I signed [illegible] as the Commissioner [illegible] of the Commission, and Mr. Thompson either mistakenly or deliberately signed his own name. I based my statement in that deposition upon my knowledge of the rule of practice in the Court, without [illegible] the docket and refreshing my recollection. I made an incorrect statement when I said that that was not my handwriting. I am convinced now that it is my handwriting. That is the way it occurred, the way it happened.

Q Then you consider your recollection of the fact that Thompson, when he was present and rendering a judgment signed it himself, better than your own knowledge of your own handwriting?

A No, I didn't so regard it. I simply spoke without advisement when I gave in that testimony. I subsequently became better informed and concluded that that was my handwriting and not entered by Mr. Thompson under the rule, but was one of those cases in which he authorized me to do it myself, and I did it.

Q Then you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and not for the fact of your judgment on your handwriting at present? A I simply corrected my testimony in reference to statement in regard to this handwriting, this case.

Q And you couldn't know then as I understand you whether or not that is your handwriting if it was not refreshed by what you consider to be exterior facts? A I should know it by examining it and thinking over the circumstances, I think I should recognize my own handwriting, but if [illegible] question should be propounded instantaneously without any advisement or reconsideration I might take a mistake.

Q You did recognize the names of Thomas Jones and Alexander Wolfe as being in your handwriting at that time? A I was very clear and positive, and am positive, that the names of those Commissioners were in my [illegible] handwriting, and I was made certain by reflecting on the fact that they never signed their names with their own hand, but always authorized me to do it. Hence there is no question in my mind in regard to my handwriting in their signatures.

Q And then the third one, right under it, as compared with your admitted handwriting, you had to wait and learn the facts afterwards to determine whether that was your signature or not? A No, I don't think that if I had considered the circumstances, I knew that there was a resemblance; what I did is of the opinion that that might have been my [illegible] signature unlike this; I knew that he had term in the habit of at least sometimes signing his own name, and I was under the impression-and I do not now think I am much deceived- that his chirography bore at least some resemblance to my own, hence I doubted whether I had signed that name or not on that account.

Q You have didn't you refer to it this morning by the fact that Mr. Thorson's name was misspelled and not correct, didn't you? A Mr. Thorson's name is misspelled, but I did not refer to that in connection with my testimony not right now or not at any time, so long as I could find that I was.

Q And by stating only two days, that is always stating the original judgment when it was rendered? A I do not recollect what I stated, but I used the word "always," at that time, but at this time I was referring to the occasion when the decision was actually rendered that day, and I do not recollect what I did at the docket I was convinced that I was wrong, but originally I stated for it.

Q Then you never found out that your testimony given yesterday like a year ago, was wrong until you examined the docket before yesterday, was it? Was Mr. Thorson's misspelled name? A I don't know that I have thought of it since that time, until yesterday or day before the evening the docket.

Q Is the only recollection that you have got and the only aid to your recollection that Thorson was present when this judgment was rendered was the fact that you saw his name signed to it, in your handwriting, is it? A As a fact,-

Q You can answer that yes or no. A That recalls the handwriting aids my recollection and I recollect now that the counsel were all present at the time that I signed it. I didn't their names out of court at all.

Q Was it in the forenoon now or in the afternoon? A I don't recollect whether it was in the forenoon or afternoon.

Q In recollecting that they were all present when the record was signed, do you mean to say that they were all present when the judgment was rendered? A Yes, that is, you mean when the question of admission or rejection was voted upon?

A Yes. A They were present.

Q Did you write up the record at the time that they rendered the judgment, or make a memorandum of it, and then write up the judgment some days afterward? A The record was not written up immediately upon the decision of any case, but I wrote up the record after adjournment, generally in the evening, and presented it next day or when the next session was had, for signature; that was the practice.

Q But in this Dawson case you wrote it up the very day that it was rendered didn't you? A I didn't recollect as to that.

Q And gave them a transcript the very day it was rendered?

A I don't recollect as to that.

Q And indicated the giving of the transcript on the bottom of the judgment the day it was rendered? A I should say it was given at the end of the transcript.

Q That was a very unusual thing for you to do in entering up judgment? A To do what?

Q To noteon the bottom that you had given a transcript the same day the judgment was rendered? A No, I don't know that there is anything unusual about that.

Q Any other places in that record or more than one in any event that you have ever done that? A I don't recollect, and so I don't recollect of giving anybody else a transcript.

Q That is what I am getting at: you gave them a transcript and wrote up your judgment and everything right away? A Pretty promptly after the decision; whether it was the same day or the evening, and if not next day, I don't recollect.

IT NOW BEING THE HOUR OF NOON, I, M., THE COMMISSION ADJOURNED UNTIL HALF PAST ONE P. M.

AFTERNOON, THE SAME DAY, P. M. PRESENT, COMMISSIONERS AS BEFORE NOTED. W. W. C. DUNCAN AGAIN ON THE STAND.

BY MR. HUTCHINSON:

Q Do you remember what witnesses were before the Court? A I don't recollect now distinctly except Dr. Baker; I was there all the time of the length of the testimony in the time it took to take it.

Q The Doctor was about the only distinct witness there was? A He is the only one now that I can call to mind.

Q There was probably another old darkey that testified was not there? A I have no recollection in that effect.

Q The case was just decided really on Doctor Baker's testimony he is about the only man that knew anything about the case? A I am not certain that Dr. Baker was the only witness; there have been others that have now escaped my recollection.

Q Doctor Baker's testimony was taken down in writing? A Yes.

Q There was not anybody else taken down in writing, was there? A All the testimony that was accepted in the case was taken down in writing.

Q Did you ever see anybody's else testimony in writing except Dr. Baker in that case? A That is not as I recollect, I don't recollect any other but Dr. Baker's.

Q You know whether that was taken immediately before the trial or at the trial or how was it? A It was taken in the presence of the three Commissioners during the session of the Court.

Q You mean the day that the case was decided or how? A I do not recollect whether the case was on trial more than one day, but my impression is that it was.

Q Do you know whether it was the same term of the Court or not? A I think it was the same term of the Court.

Q How many terms a year did that Court have, when did how did they last? A I don't recollect of but certain had one term.

Q Don't recollect the earring but one term? A Myself, it seems to me so.

Q You didn't go in until January of 1883 did you; your first record is a record of about the 17th of January 1883, as shown by the book, isn't it? A I don't recollect in that regard.

Q Now would they in a testimony in the case, then continue it, how would they generally do about that? A I think they decided the case at the term in which they took testimony.

Q Can you say whether or not this testimony was taken in vacation at the time it was decided or at the same term it was decided, or within a week or two of the time it was decided? A I have no recollection in that it was taken at the term in which it was decided; case was taken up, testimony heard that the decision was made on the conclusion of the testimony.

Q Well now, I see on October 4th, 1882, in your minutes, the following entry reads: "It is agreed by the parties that this cause finally be dismissed at the next January Term," and that is January, 1883, "If the plaintiff in person does not, this cause shall be continued to the second Monday in January term, 1883." Now that I should say you have

January and September ter ; and this decision was rendered on the January, 1938 ter . The Baker testimony was taken during the January, 1938 ter . How long after this decision was rendered A I find it impossible to be definite about dates that are recorded there; although I have no doubt that the record shows the correct statement of the dates, but I can't recall those facts.

Q Well there is a document here that says that was continued on the 13th day of January, 1938, that's correct and that it could be taken upon the 4th day of October, 1938. Your record show that there was nothing done that is one term, January 13th, 1938 until October 4th, 1938; would you say that was correct? A I don't say it was correct if it is shown on the docket it is supposed to be correct, only of the facts.

Q I will let you see it for yourself, I don't want to misrepresent your mind of it at all. (Court entry is handed to witness.) A I can't recall those facts in regard to the document.

Q You took down the testimony of the witnesses in court? A I took it down.

Q You took down the testimony of Dr. Baker? A Yes.

Q He was cross examined by counsel for the Nation? A As to that I don't recollect. He was present, he was always present; I shall likely he was cross examined.

Q And that testimony was taken at or near the time when the judgment was rendered in January, 1938? A I think it was, by my recollection as to that effect.

Q Well the court seems to have had no session as to this case from January 13, 1938 up to October 4th, 1938, according to the record? A (No response.)

Q You can't recall to mind from anybody's else testimony is correct A No sir, I don't.

Q And the probability is that he was the only witness examined isn't he? A It might have been so. My recollection is that he was recorded as the main witness of the case.

Q He was quite an old man, about 75 at that time? A Yes, he was quite old.

BY MR. MCKENNON:

Q The testimony of Dr. Arthur Baker, from this record, appears to have been taken on January 10th, 1938; is that correct as far as you may know, or are able to state? A Is that Dr. Baker's testimony? (Attorney hands three witness papers) A It appears to me, yes; I don't think that was the testimony that the case was decided upon, because his testimony was taken orally before the commission, and I wrote it down; please let me see it. (Attorney hands said papers to witness.)

A Well, all I know about this is as I stated before, I can't recall those facts, but whatever the record says why I say that the record was made correct, according to the fact. (Witness is examining the testimony referred to to refresh his memory.) I don't understand in reading that very clearly to my understanding, but I gather from the subject matter in that testimony that it is in accord with Doctor Baker's statement in exactly word for word I am not able to say, but that is the tenor of the testimony.

BY MR. MCKENNON:

Q Is that the testimony you endeavored to get down all the material facts that you could in the time it is here noted? A Yes, very nearly word for word, as I could get it, so with the exception of a little variation made necessary by the length of the witness' statement.

BY MR. McKENNON: Anddcomts object to all of the witness' testimony relating to the method of taking the testimony of witnesses at the trial, the character and effect of that testimony, and the number of witnesses, except so far as the same may be used for the purpose of testing the memory of the witness, because the same is incompetent, irrelevant and immaterial.

B. F. FORTNER, being first duly sworn, and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A B. F. Fortner.
Q What is your age? A 64.
Q You are a physician are you not? A I am.
Q Where do you reside? A Vinita, Indian Territory.
Q Do you hold any official position in your position? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the Legislative Committees of the Indian Territory and of the American Medical Association,-those are some, and the most important positions I hold at this time.
Q Are you A Cherokee citizen? A I am.
Q By blood or intermarriage? A Intermarriage.
Q Your wife is a citizen? A Yes, sir.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.
Q Do you know his general reputation in the community where he resides for honesty and uprightness of character? A I do, I think.
Q Is that good or bad? A It is good.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A About six or eight years, don't know exactly how long; known of him for ten years and personally I have known him about say six or eight years.
Q Do you know his general reputation for truth and veracity? A I do.
Q Is that good or bad? A It is bad.

BY MR. HASTINGS:

Q Mr. Du can belongs to the same church you belong to? A Yes, sir.
Q And has for a number of years? A Well now I say I think he does; I have always so understood.
Q Don't keep up with all your members? A No, but he has attended church there and my impression has been that he is a member of the church.
Q You didn't have any business before the Citizenship Court of which he was clerk, did you? A No, sir, not that I know of.
Q You was not at Tahlequah while he was clerk of a Court from 1896 to '98? A I don't believe I was.
Q Never had any business before that Court? A Had no business before them, not while he was Clerk to my knowledge.

BY MR. McKENNON:

Q You spoke of his membership in the church: he is in good standing as a member of the church is he? A Yes, sir.
Q I will ask you if Campbell Taylor's reputation isn't notoriously bad? A Yes, I have so understood it.

BY MR. HASTINGS:

Q I will ask you if it was notoriously bad in 1896, when those people employed him to represent them before the Court? A That was before my knowledge of it.

Q ...far or you know his good reputation dates back so far as you...him. A ...far as I have...

D. W. HILLER, being duly sworn and duly examined, testified as follows, to-wit:
BY MR. HARRISON:
Q What is your name? A D. W. Hiller.
Q What is your age, Mr. Hiller? A 61.
Q Where do you reside? A Tahlina.
Q How long have you lived there? A Well I have lived there ...I guess, or 14.
Q Are you a citizen of the Cherokee Nation? A No, sir.
Q What is your business? A Real estate and insurance agent.
Q Do you know D. W. C. Duncan? A Yes, sir.
Q How long have you known him? A I have known him twenty years.
Q Do you know his general reputation for honesty and uprightness of character where he lives? A Why yes sir.
Q Is that good or bad? A It is good, so far as I know.
Q Do you know Campbell Taylor? A Yes, sir.
Q How long have you known him? A Well I have known him 18 or 20 Years, I guess.
Q Do you know his general reputation for truth and honesty? A Well yes.
Q Is that good or bad? A Well, it is bad, I think.

ATTORNEYS FOR CHEROKEE NATION waive cross examination.

T. H. CURTIS, being first duly sworn and being examined testified as follows:
BY MR. HARRISON:
Q What is your name? A T. H. Curtis.
Q How old are you, Mr. Curtis? A 56.
Q Where do you reside? A Afton, Indian Territory.
Q How long have you lived in the Indian Territory? A 30 years.
Q What is your business? A Lumber business.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A About 30 years.
Q You know his general reputation for honesty and uprightness of character in the community where he lives? A I do.
Q Is that good or bad? A As good as any man's.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A Some 20 years, I suppose.
Q Do you know his general reputation for truth and integrity and honesty? A Yes sir.
Q Is that good or bad? A Bad.
Q Is it notoriously bad? A Yes.
Q Did you ever know Dr. Baker, Dr. A. B. Baker, of Berryville, Arkansas? A Yes sir. I knew him in '28 and '29.
Q Where? A Over at Berryville; I ran a saw mill in that country at Berryville.
Q Did you know his general reputation so far as honesty and uprightness of character and truthfulness? A Yes sir.
Q Is that good or what? A Good sir. Good as any man's; he is a good Christian gentleman.
Q Did you ever...well know...to know his habits of life? A Yes sir.
Q Was he in the habit of taking liquor, drinking liquor? A Not that I know, sir, I never saw him take a drink in my life.

Q Yes sir. Did you ever tell A Dr Brown any such thing as that.
A I do not, I do not sir.
BY MR. MCMURRAN:
Q How long did you know Dr. Baker? A Two years.
Q What does he do there? A He is an old antique thing he lives
with in the edge of Hopkinsville, Dr. Baker.
Q Was old Dr Campbell in the town? A I think he used to
live or he visit old Campbell sometimes.
Q What is he like, old? A He is, he was in the same fix, the
two years that I have been over there.
Q He was pretty feeble minded? A Yes, sir.
Q Did he have any children? A Yes, sir.
Q What family did he convey? A I don't know how many family he
has, I know he is acquainted with Dr. Goodman.
Q He can't make any statement with reference to -- A No sir.
Q (And his statements would have to be in writing one way or the
other, wouldn't it? A No sir, I do not.
Q Dr. Frank Taylor was a witness here, you have been over there
for over two years, haven't he? A Yes sir, I have known him a
while.
Q Are there a number of old citizens there that can tell
what it, because he was notoriously a rascal that's it didn't it
A Well a great many of them can tell it.
Q It was a notorious thing that they had a bad case they would
get him, it would cost or give a case a bad name to have Campbell
around it? A Yes, that would be right.
Q You never knew anything about Mr. Duncan's connection with
citizenship matters? A No sir, never did.
Q You never heard about his carrying some of the records of
citizenship cases? A No sir, never did.
Q You have been into of talk about this Duncan case? A Yes sir.
Q Never no it all around that somebody was doing something
wrong? A Yes sir.
Q You never attended him of it you think? A I never heard the
subject of it, no sir.
Q That was got out from the first day they were about right
up to the present? A Well I don't know not from the first day,
I have heard it for a good while though.
Q But you never knew who had fixed it out? A No sir.
Q There have been a really strong family up there in that country
haven't they, really large family? A Yes sir.
Q Count a good many voters up there? A Yes sir.
Q Did you ever know of the Doctor's testifying any in court, Dr.
Baker? A No sir, I never did.
Q What would you think of a man who would testify that in the
girl that was single in 1826 when the youngest of her seven children
was born in 1845, what would you think, would you think that was a
statement to be made by a man who was truthful? A -
BY MR. MCMURRAN: Applicants object to the question because
it is wholly incompetent, and not based upon any proof or
witness saith in this cause, and it is wholly immaterial and in-
competent.
Q Do you think that was a statement that would be made by a truthful
man? A (No answer.)
Q You know him in fact A Yes sir.
Q He is quite an old, respectable man? A Yes sir, quite old, I
can't say.

Q Is it your best time to be in his company?
A [illegible]
Q Do you [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q

Q. [illegible] A. [illegible]

Q. [illegible] A. [illegible]

Q. [illegible] A. [illegible]

THOMAS A. CHANDLER, being first duly sworn, was then examined, testified as follows:

DIRECT EXAMINATION

Q [illegible] A Thomas A. Chandler.
Q [illegible] Mr. Chandler? A I am 58.
Q [illegible] A Deputy clerk of the United States Court.
Q [illegible] A All my life.
Q Do you know [illegible]
Q How long have you known him? A Well sir, I have known him about nine or ten years.
Q You [illegible] acquaintance or acquaintance of Campbell Taylor? A Yes sir.
Q Is it good or bad? A Good sir, I know.
Q Do you [illegible] Campbell Taylor? A Yes sir.
Q How long have you known him? A I think about 12 years.
Q Do you know his general reputation for truth, [illegible]? A Yes sir.
Q Is it good or bad? A Bad as far as I know.

BY MR. RUTHERFORD:

Q How did Campbell Taylor get a bad reputation? A Well sir, I don't know how he did.
Q You never knew Mr. Ladd 1885? A Well I never knew him personally, I heard of him before that.
Q He had a bad reputation before '85? A Yes sir.
Q And reputation way back yonder? A First I remember I ever heard of him I heard people speaking bad of him, when I was a kid.
Q Are everybody's that was around the station and knew anything at all about Campbell's, he had a bad reputation? A Yes sir, ever so far back as '79 or '80, that is as far back as I can remember; I think I heard it spoken of in '80; I think that's about the time.
Q And Campbell got a very bad reputation in '80 and '81 when we began to have [illegible] with cheese? A Yes sir.
Q You heard him spoken of in immorality and using the mails for those [illegible]? A Yes sir, I heard of him being in the port with Jail or [illegible].
Q You know of the Nation called a good deal about Campbell's being a [illegible] citizenship case? A Yes sir.
Q In fact, wasn't he [illegible] a bad reputation for moving his domicile about, [illegible] line.
Q You [illegible] that he had any money, he might not have had the money to move his domicile? A No sir.
Q He could move that out of bad citizenship case? A Yes sir, I remember he could.
Q You never heard Mr. Duncan's name [illegible] in connection with the Dawson case, citizenship case? A No sir, I don't think I have, I may have, but I don't remember hearing it.
Q [illegible] impression that everybody had done something wrong with him [illegible], [illegible] case? A I heard there was something wrong in connection with the Dawson [illegible] case.
Q That has always been [illegible] ever since they were arrested? A Yes sir, I have heard it rumored around over the country that [illegible] the case.

Q That he [illegible] was never investigated? A I don't know about that, I don't think it was ever investigated, I never heard of it.

Q So they never got any endeavor to find out the truth
A No sir.
Q Where did you live in 1897 A In 1897 I lived out on Osage Creek about 18 miles southwest of Union.
Q How far from Eureka did you live? A About 25 or 30 miles, I suppose.
Q You never have opened up the bibliography during any during that time? A No sir.
Q You don't know whether Dr. McDonell had the best of the bad cases or not down there? A No sir, I do not, at that time.

MR. McKENNON: I respectfully object to all of the testimony of this witness as to what I learn by way of rumor, about the character of that person since, because the case is hearsay, immaterial, irrelevant and incompetent.

J. S. McKENNON, a witness for applicants, being first duly sworn, makes the following statement:

I became a resident of Carroll County, Arkansas, early in 1896. I was intimately acquainted with Doctor Arthur Baker, for many years. Knew him as well as I did anyone else. He was a gentleman of the highest Christian character, as recognized by everybody who knew him. He was a sober man, and never drank liquor. I make this statement here in vindication of that good man's memory than for any other reason, because any imputation against his character is false.

BY MR. HASTINGS:

Q How long did you know him? A I resided in Carroll County until 1897 when I removed to Johnson County, Arkansas; during the time I was away from there, but I knew him intimately every year that I resided in Carroll County.
Q Did you know his wife? A Yes sir, I have seen her several times. I have relatives living in the town in which he lived; by relatives of his were when he is gone to always to inquire about Doctor Baker. I knew his reputation I think as well after I left there as I did when I lived there.
Q Did you know those facts in 1896 when you were a member of this Commission? A Yes sir, I have known them all my life as I know them now.
Q Did you know them when you as a member of this Commission passed on the Irene J. House case? A I knew it every day of my life, in 1896 as well as now.
Q So does that Doctor Arthur Baker's statement should appear that he was born in the year 1830, and because he said when he was 15 or 16 years of age that Anna Bryant the wife of Samuel Dawson, was a grown up girl going to school, when the other undisputed evidence shows that she had married Sam Dawson prior to that time and had several children, the youngest of whom was born in '52, how would you harmonize that with a man who was an honest man and the facts in the case? A Whatever Dr. Baker stated he honestly believed, whether it was right or wrong, whether it was error or truth, he honestly believed it, and stated it as he believed it.
Q He was capable of being in error? A Every man is.
Q I say he was? A Yes sir, just as you and I and every man, he was; I merely stated as to his high character, which could be proven, by every man who knows it I think, I know it.
Q The Commission rejected Irene J. House in 1896, of which you were a member? A I don't remember anything about that personally.

TESTIMONY ON BEHALF OF CHEROKEE NATION.

DAVID [illegible], being first duly sworn, and by interpreter, testified on behalf

Q [illegible]
Q [illegible]
Q [illegible] etc.
Q [illegible] A Yes sir.
Q [illegible]
Q [illegible] citizenship case.
A [illegible]
Q [illegible] applicant before the Dawes Commission for citizenship, were you not? A Yes sir.
Q Tell what you did. Upon that application for his citizenship, did you file proof of his getting it, if anything? A Will he told me to bring him either a [illegible] to get his
Q [illegible]
Q [illegible]
Q [illegible]
Q Where did you live at that time? A I was working down there in Atoka building; in Atoka.
Q Where is that? A S. E. Atoka.
Q Who else was present? A [illegible] was present.
Q There is not? A At Atoka.
Q What age was Lewis Downum at that time? A I don't know, he was very old, probably 75 years old.
Q Was he not a very feeble man? A Yes sir.
Q Hardly able to walk around? A No sir.
Q Was he not [illegible] feeble, crippled old man? A I don't know whether he was [illegible] or not.
Q You don't know whether or not he was the same, in fact, himself, or not? A No, I got it for myself and family that sent that letter to get through Atoka's room, see. That is the way I took it anyway.
Q You were an applicant yourself were you not? A Yes sir.
Q When? A At that time.
Q Before the Cherokee authorities? A Yes sir.
Q Then rejected you? A Yes sir.
Q You were an applicant then before the Dawes Commission were you? A Yes sir, been an applicant ever since.
Q Are you still an applicant? A Yes sir.
Q Still living in Coal Co? A Yes sir.
Q Claiming to be? A Yes sir.
Q How long were you living in the Cherokee Nation? A 15 years.
Q Where did you live? A Indiana.
Q Claiming to be a Cherokee citizen? A Yes sir.
Q Indian? A Yes sir.
Q Intermarried white? A Yes sir.
Q How long has he been dead? A I think he died probably within two years after that.

TESTIMONY TAKEN ON BEHALF OF THE APPLICANTS.

F. H. [illegible], being re-called and further examined, testified as follows:

BY MR. [illegible]:

Q F. H. Dumont? A Yes sir.

Q Mr. Dawson, what number of your family came to the Cherokee Nation to live, and from which the clerk of your father, Robert Dawson, and the record of his family, to Cherokee citizenship? A My brother Tom Dawson came to Tahlequah.
Q Tell the [illegible] Tommy Dawson, they all knew him by sight.
Q [illegible] A [illegible] I am I remember, or two, I don't know which it was it was one or two.
Q Did you file your application at that time? A My brother was, yes, the application [illegible] Dawes to take it out and file it, that is my understanding.
Q Joel Bryant, who represented the Nation of the Cherokee Nation?
A Yes sir.
Q Before what court was that filed? A My understanding was he was clerk of the court; [illegible] court he was clerk of.
Q He was clerk of the court at that time? A Yes sir, of the citizenship court, that's my understanding.
Q What was done about the case at that time, if you remember? A I went back home and left my brother down there at that time, that trip.
Q Where did you then live? A I lived at Perryville, Arkansas.
Q When did you next come to the Cherokee Nation? A I believe I came back the next January, that was in September.
Q Was your brother Tom here then? A I don't think he was, I don't remember.
Q Well had he at any term of the Court or session of the Commission at any time after you first came here and filed the application until after it was decided? A No sir, I never let him any more until that case was decided.
Q You conducted the business then after that did you not? A Yes sir.
Q The case was finally determined 1 January 1903? A '03, yes sir, the 11th day as I remember.
Q Were you present at that session? A Yes sir.
Q Was there any decision of that case other than the one of record here? A I never heard of it if there was.
Q Was the judgment rendered in that case as recorded in the record Book of that Commission now in the custody of the Dawes Commission the only judgment that was rendered in that case so far as you know?
A Yes sir, so far as I know, if there was any I never heard of it in that case.
Q You then know of no decision against you in the case? A No sir.
Q Who was your attorney employed at the beginning? A I employed A. E. Reynolds.
Q Was he a Cherokee citizen? A Yes sir, I think so.
Q Where did he live? A At Clarksville, my understanding.
Q Was he present at any time before the Commission? A I never saw him, he always met me there before the Commission.
Q Did you pay him any money? A Yes sir.
Q How much? A Fifty dollars.
Q Did he render any services? A If he ever did I never knew it.
Q Well then who did you employ? A My brother employed Joel Bryant.
Q Was he a Cherokee citizen?
A That is my understanding.
Q Was he a prominent Cherokee citizen? A Yes sir.
Q What services did he render? A Well sir, I don't know whether he rendered any or not, only he met me a time or two at Tahlequah, and he was before the Commission; whether he rendered any services

or not I don't know; he was generally always at Washington City during the term down there.
Q Well what did he do about it? A I don't know, I could'nt say whether he done anything about it. That is Mr. Bryant, he was always gone.
Q What next was done about the employment of an attorney? A Why I got a letter from Joel Bryant that he was going to Washington City and for me to come down in January Term and Campbell Taylor would come to my claim before the court.
Q Did he say that he had engaged the services of Campbell Taylor the attorney, to attend to it in his absence? A Yes sir, in his absence.
Q Have you got that letter? A I don't think I got the letter.
Q Tell what did you do then? A Why when the time come I come down on the City to Muskogee here and I come over from here to Fort Gibson and I come down to see Uncle Houston Benge and stayed all night with him; it was very cold weather, and I got him to go over and submit my case to the court; I went over one day and the next day Uncle Houston Benge come over and the next morning after he come over the case was submitted.
Q Did he submit the case? A Yes sir, he told me so.
Q For you? A Yes sir.
Q Were you present? A I was present until they went to take the vote on the case and then we was drove out of their room and they had a secret session, acting on the case.
Q Was Houston Benge present with you? A Yes sir.
Q Were you in the court when he submitted it to them? A Yes sir, when he made his argument.
Q He made an argument before the Commission? A Yes sir.
Q Was the decision rendered on that day? A Yes sir.
Q How long after he made his argument was submitted the case? A Was not but a little bit; when we were drove out of the house the first time before they went into secret session they wanted me to get up the cigars to the court and the crowd in the house; after the decision was rendered then I was to get up the cigars, and everybody come to me and told me to go and get the cigars and I done so.
Q And you took the cigars there and all? A Yes sir, everybody, the attorneys and all that was in the house, all had a big smoke.
Q Did they then announce their finding in the case? A Yes sir, they told me that I was granted my citizenship right and by the Commission.
Q What did you do about it then? A Why the Clerk wrote out my certificate.
Q What date? A That same day.
Q What arrangements did you have with Mr. Benge about his fee, and what was the amount of his fee? A There was no arrangement made until we got up there and he submitted our case; then he wanted me to pay him, he charged me fifty dollars, that was his fee.
Q What was the agreement about the matter, the manner in which that fee should be paid? A My brother in Texas was to pay it.
Q Were you to write or was he to write? A He was to write for it.
Q Did your brother in Texas ever pay his fee of fifty dollars?
A Yes sir.
Q Was that all that was to be paid? A All I was to have; all he charged me.
Q You heard his state out when he gave his deposition at Fort Gibson the other day did you not? A Yes sir.

Q He there state that you paid him fifty dollars before you went over to Tahlequah, did you do that? A No sir.
Q He said that you paid him fifty dollars after he got over to Tahlequah, did you do that? A I never paid him a cent in my life.
Q After the judgment was rendered where did you go to? A I went back home to Arkansas.
Q By what route? A I went by Silom Springs and on by Spring Dale and I don't on to Rogers, took the railroad there and went on by Seligman and by Eureka Springs home.
Q You then did not return to Fort Gibson with Houston Benge, as he stated? A No sir, I did not.
Q Why did you not return by way of Fort Gibson? A Well I thought maybe the others was the cheap at road and stayed a hack going out by Sam Stephens when I was boarding at, I could go to Silom Springs and I went by that route and then there was a hack going by Spring Dale, that was the most direct route.
Q That was the most direct route from your home was it not? A Yes sir.
Q And the cheaper? A And the cheapest route.
Q Had you been coming back to Fort Gibson you would have been going directly away from home would you not? A Yes sir.
Q Your home was nearly east, due east of Tahlequah was it not? A Yes sir, little north of east, pretty near due east.
Q While Fort Gibson is almost due west is it not? A South west.
Q You heard his statement that you went to Fort Gibson with him, and he says you stated to him that the way to reach that court was through Duncan and you reached the through Duncan with five hundred dollars, did you make that statement? A I never did, I didn't have the five hundred dollars to reach him.
Q Did he while at Tahlequah inthe court room on the evening before this judgment was rendered in your favor, tell you that the court had rendered a judgment against you? A No sir.
Q And did you then say to him, you won't fix that? A I had no more conversation with him.
Q Did you pay to D. F. O. Duncan, who was the Clerk of the Court any sum of money, or agree to pay him any sum of money, directly or through any other person for any services he might render you by way of influencing the court to decide in your favor? A No sir.
Q Or for any other purpose? A No sir.
Q Did you pay him any money after that through Col bell Taylor?
A Yes sir.
Q That amount? A 20 or 25 Dollars, I don't know which it was.
Q State what that money was paid for? A For a claim.
Q What do you mean by a claim? A Claim on the public domain; he had a claim up there close to me; paid him 20 or 25 dollars and he claimed he had up there by me, on the Cherokee Public Domain.
Q What did Campbell Taylor have to do with your case?
A He had nothing to do with it.
Q Did you agree to pay him any money for his services as an attorney? A No sir.
Q Did he perform any services in the case foryou as a representative of Mr, Bryant? A No sir.
Q Did you pay him any money? A Yes sir.
Q On what account? A He come to me and said he had the claim against me for Joel Bryant and wanted me to pay him the money and I done so.
Q What amount? A Fifteen Dollars.

Q [illegible] A [illegible]
Q Did you pay Mr. Brown to deal it out, or I don't know how? A Joel Brown paid me a part of the fifty dollars that I got from Mr. Bryce, and Joel Brown paid Mr. Bryce fifteen dollars and I got twenty-five dollars out of the fifty dollars that Mr. Bryce got from Mr. Powell for the work that I did in connection with the case; that is all I got out of it.
Q How did you get that $25 dollars out of it, for Brown? A I took after his own ballin, and he told me that money had to go to Mr. Brown, and I finally agreed and took the money of twenty-five dollars, but it is all I ever did get back.
Q The Brown that we refer to is Brown? A Yes sir.
Q Was this money paid to him, this one hundred dollars, [illegible] were there at the time the [illegible] or was it sent to his office? A I only paid it to him, as well as I recollect about it.
Q You think it was paid then? A Yes sir, that's my recollection now.
Q Did you send him one hundred dollars after you went away from there, subsequent to the proceedings of that suit, after it was terminated I mean, directing him to pay fifty dollars of that on account or due to B. W. C. Duncan? A No sir.
Q Did you send him a second one hundred dollars with such direction? A No sir.
Q Mr. Brown, do you [illegible] it took your family [illegible] to obtain their citizenship in the Cherokee Nation under this judgment? A Pretty much it did.
Q Tell about what not? A About five hundred dollars, pretty near 500 dollars. That is what I considered, I was bent out of some of my money, and I was bent out of the estimate.
Q Now I ask a statement of what that money was paid for and how, so far as you have now, itemize that now? Tell the first thing Colbert demanded; the next fifty dollars that I got; that was the attorneys fees; I speak of the attorneys fees now; the next money was the fifteen that Joe Bell Taylor got; the next amount I paid was the twenty dollars.
Q Was that all to Bryce's fees? A I think it was, no, wait, I paid Ross 15 dollars for [illegible] Baker's deposition.

Q Which Ross was that? A The old Chief, Will Ross I think was his name, William P. Ross.
Q So then, the Chief William P. Ross for taking the deposition of Mr. Baker charged you fifteen dollars? A Yes sir.
Q Do you recall of that that he acted as your attorney and examined it? A Yes sir.
He was there before the Commission, and his statements.
Q What other attorneys were there present? A None of them was present.
Q Well now, go on? A For the expenses of taking Mr. Baker and [illegible] Choate, as well as I can remember he charged me 5 dollars a day for his time and his expenses down there and we [illegible] a hack from Vinita, [illegible], Okmulgee, and we had to [illegible] I think it was about 75 dollars that trip, something over it, maybe a little over that.
Q And you paid that per diem? A I paid him five dollars a day for his time and then his expenses.

Q Well? A Well I made several trips out here at different times, to Tahlequah before the Commission, and back, three or four trips as well as I remember now, cost me 20 or 25 dollars each trip, as I remember about it.
Q Do you remember how many trips aside from the one in which you brought Dr. Baker? A No, I think there was probably three trips I think it was, maybe more, and then I made one trip to Claremore to see A. H. Dawson.
Q What did that trip cost you? A I don't remember what it cost; I went in a wagon down there.
Q You went through and employed Bangs, went by railroad; what did that trip cost you? A I don't remember what it was, whether it was 31 dollars or 31 dollars, one or the other, I don't remember which it was: Joe Dawson, my brother loaned the money, it was either 31 or 31 dollars.
Q Now then is there any other expense that you know of that was paid by you or your family, any members of your family, other than that you have mentioned? A I don't remember any other now; I can't call to my memory right now.
Q What was the condition of the members of your family generally now, financially, at that time? A Well we were considered poor people; I don't know, we didn't have much money, scarcely any.
Q Was there any one of them that was better off than the others, and if so, which one? A I presume Elbert Dawson was better off than the others, Buel Dawson.
Q Do you know how much Buck Duncan paid of these expenses? A I don't think he paid, he paid the Benge debt and the Bryant debt, I think it was.
Q That is one hundred and fifty dollars? A Yes sir, that he came up on one trip and taken some evidence with Joel Bryant when Joel Bryant was Clerk of the Court before this Tehee Court, I don't know what that cost him.
Q Came up, he send took some testimony? A Yes, came up and went back to Texas. Filed his claim and took some testimony and went back to Texas and I didn't see him.
Q Did that testimony include Dr. Baker's testimony? A No sir.
Q You know how many witnesses were examined then? A I only know what he told me.
Q How many? A Four witnesses.
Q You know whether they were residence of the Cherokee Nation or not? A He told me they was.
Q Were you present on that trip in which he came there and took that testimony? A No, I met him there and then I went back home and left him at Tahlequah.
Q He had taken the testimony before you left him or afterwards? A He taken it afterwards; that was my understanding.
Q Did Buck Duncan only the one hundred fifty dollars that you now remember? A I think it was.
Q And the expense of taking these witness up there A Yes sir.
Q Who also furnished money now of the members of your family? A My brothers and father lived down in Berryville, me and my brother-in-law, Blassingame, we all chipped in together a few dollars from each family.
Q You heard the statement of C. C. Brought that in June 1883 you told him that it had cost you 700 dollars, did you make any such statement to him? A I never did.
Q And that you paid one witness 300 dollars? A I never made any such statement.

Q Did you pay any witness any such sum? A No sir, I paid Dr. Baker for his time; he said his time was worth 5 dollars a day, and his, and I paid it.
Q Did you pay any other witness any more than that? A No sir, he was the only witness I had down there in my case.
Q Well the Robert Dawson case? A Yes sir.
Q He says that you told him this in your house there on your place, did you have any house there in June 1883? A I was not living on my farm at that time.
Q Did you have any farm? A Didn't have any.
Q When did you build a house there? A I built a house on the farm I live in now by Mr. Brought; I moved on the farm the last of July, 1883, and I carried in my wagon.
Q What did you do? A I went to the timber and cut poles and hauled them out and made me a log cabin on the place by a spring near Mr. Brought.
Q About what time did you finish that house? A I was in September.
Q How long after you finished that house until you brought your family out? A I finished it up and got it covered and the floor in it and I went back to Eureka Springs after my wife.
Q What family did you have then? A I had my wife and she had one child; but my oldest children, by my first wife were with me in the Territory, camping with me; three little boys and one girl were with me, and one girl back in Arkansas.
Q Are you and C. G. Brought on good terms? A No sir.
Q What has been the character of the trouble between you? A Trouble over our places first started it.
Q When did it begin? A As soon as I got back from Arkansas he commenced hinder crowding me out to take my farm away from me, and we have been in a racket ever since.
Q Then his statement that you were on friendly terms, is it correct or not? A No sir, it aint correct.
Q He and you have never been friendly as neighbors than since you first came back from Arkansas and settled in the Territory? A I don't remember ever being in his house; I never was in his house.
Q Have you had law suits with each other? A Yes sir.
Q How many? A I don't know that we had any particular law suits, but I have had law suits and he has been a witness against me.
Q What was your last trouble with him, when I mean? A Along last fall.
Q That was when your boys had a little racket and he had your boy arrested? A Yes sir.
Q What was the age of those boys? A Eleven years old.
Q He had him arrested down at Vinita? A Yes sir, had him arrested and carried before the Commissioner at Vinita.
Q He was discharged on account of his age? A Yes sir.
Q Buck Dawson is dead is he? A Yes sir.
Q How long has he been dead? A Three years, little over three years.
Q And James Dawson is dead? A Yes sir.
Q Is your father, Robert Dawson living? A No sir.
Q When did James Dawson die? A I don't remember, been dead several years, I don't remember how long, 6 or 7 years, I couldn't state.
Q When did your father, Robert Dawson die? A I believe it was in '87 as I remember now, I want be positive.
Q Had all these moved to the Cherokee Nation before their death? A No sir, father died in Arkansas.

Q Those that lived here in the Nation they lived here in the Nation but went back to Arkansas and died there? A Fell the rest of my folks all lived here. That was James Dawson and Buck Dawson.
Q Robert Dawson, your father, never did move to the Territory, did he? A No.
Q Did you hear the statement of the witness Beavert this morning, that about the time of hearing of the James Dawson case, at a negro church at night James Dawson was down there with someone else was introduced to him, and he loaned him ten dollars, did you hear that statement this morning? A I heard the statement, yes sir, I heard it.
Q He says that man James Dawson was 35 or 40 years old; was there any James Dawson living belonging to your family at that time of any such age? A No sir.
Q How many James Dawson's were there belonging to your family? A There was my uncle James Dawson and a brother James Dawson, the Doctor here.
Q How old was your brother James Dawson then? A He was a tolerable old man, I don't know his age.
Q About what age? A Must have been 60.
Q Between 60 and 70? A Yes sir.
Q What was the age of your brother James? A At that time?
Q Yes sir, in '84? A In '84 I suppose he was about 18, somewhere like that.
Q Was he anything to do with the James Dawson case? A No sir.
Q Was he present at the time that the James Dawson case was under consideration? A No sir.
Q Was James Dawson, your uncle James Dawson, present at any time during the consideration of his case? A No sir.
Q He never was present? A No sir, if Uncle Jim Dawson was ever in Tahlequah I never knew it.
Q Who conducted the prosecution of the James Dawson case before the Cherokee Citizenship Commission, who conducted it? A The James Dawson case?
Q Yes sir? A I think James Low and Bill Jackson and Campbell Taylor.
Q Were you acting with them? A Yes sir.
Q They employed Campbell Taylor? A Yes sir.
Q Then there was no James Dawson present during that session of the Commission? A No sir.
Q What was the condition of James Dawson's health at that time? A It was pretty poorly; was not good.
Q Was he at that time able to get about and attend to business? A I don't think he was.
Q Was he not a very feeble minded old man at that time? A Yes sir.
Q Regarded as rather a silly man was he not? A Yes sir.
Q Did he attend to any kind of business of the family at that time? A No sir, didn't.
Q What was his financial condition? A Pretty bad.
Q Did he have any money? A No sir.
Q Did he have any property? A None hardly at all; horse probably, or a cow or two, something that way.
Q Was that about all the property he had? A Yes sir.
Q Now about the other members of his family that were admitted at that time; what was their financial condition? A They were in poor circumstances.
Q Now then after these judgments were rendered what members of your family removed to the Territory, Cherokee Nation, I will say? A Robert Dawson and family and James Dawson and family, that is, they and their children.

Q Robert Dawson didn't remove here? A No, I said except Robert Dawson.
Q Did all the members of Robert Dawson family move here? A Yes sir.
Q Except himself? A Yes sir.
Q And all the members of James Dawson family? A No, not all the members, Melvina Lee I don't think ever lived here.
Q She has never moved here? A No sir.
Q Well all the members of your family, your father's family included in that judgment of the Committee, rendered January 11th, 1883? A All but one.
Q What was the name of that one? A Edna.
Q A daughter? A Daughter of Robert Dawson.
Q Your sister? A Yes sir.
Q Was she then of age or was she a minor? A I think she was a minor, as well as I can remember.
Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.
Q By a Commission or by the Cherokee Council? A She was first admitted by the Spears Court, her and two of my neices.
Q What are their names? A Katie Vernon and Verna Fishback.
Q What became of that? A The certificate papers they got was lost, and they went before the Council in 1894 andthey was readmitted back by the act of Council.
Q That was in 1894, the Cherokee Council admitted, re-admitted as they called it, the three above named? A Yes sir. Mary and Verna Fishback and Katie Vernor, they have now the same names now except Vernor, it is not, Tob Robinson married the widow, a neice of mine.
Q Now then was there any other consideration of the Dawson case by the Cherokee authorities at any time aside from these two judgments in '87 and '94 admitting the two families of Robert and James Dawson, and the act of Council of '94 admitting these three that you have just named? A Yes sir.
Q When? A My two of my sons was placed on the roll by the act of Council in 1892 I think it was: left off of the rolls in per capita payment and they was placed on the rolls I think, and Sam Hitchhugh member of Council, got their draft or checks for the money.
Q Have you got that copy of the act of Council admitting them? A Yes sir.
Q Then is it? A (Produces papers.)

BY MR. McKENNON: We offer in evidence an act of the Cherokee National Council making an appropriation of $_,___ dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount set opposite their respective names, provided that the Principal Chief shall draw warrants for such amounts, and further provided "That the names of the persons appearing on the per capita rolls in this act shall be placed (on) the authenticated roll of 1880 by the Principal Chief."
This act was approved December 31, 1891.
Approval signed by Stephen Foreman, Assistant Acting Principal.
In this list appear the names of William R. Dawson for payment of $17.70, and of Marion Dawson, for a like sum. Are these not the names of two of your sons? A Yes sir.

(This paper above introduced, is filed and made a part of the records in this case.

Q Was there any other action of the Cherokee authorities relating to members of your family? A Yes sir.

Q When? A In 1894.
Q What was that? A Allowing them their strip money.
Q Have you a copy of that? A I think I have. (Produces papers.)
BY MR. McKENNON: We offer in evidence a duly certified copy of an act of the Cherokee National Council approved November 24, 1894, signed C. J. Harris, Principal Chief. Senate Bill No. 19, appropriating a sufficient amount of money to make payment per capita of what is known as the strip money to certain persons named therein. Among them are members of the Wassaingawe family, as follows: Jane, Elbert, Henry, James Ross Lennie, Pearl, Anna, Myrtle, Winnie and Clifford; this act mentions these persons as Cherokees by blood, and whose names had been left off the pay roll approved May 3, 1894, providing a payment to each one of these a sum of $265.70.
Q Were these members of the Robert Dawson family? A Yes sir.
Q Which one of the members of the family? A Jane.
Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.
Q And her children? A Her children, was not admitted, she was admitted.
Q I mean this mentions her children here? A Yes, that mentions her children.
(The paper last above introduced is filed and made a part of the record in this case.)
Q Do you know whether the payment of the Cherokee Strip money was to Cherokee citizens by blood only or not? A Yes sir.
Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A My the Douthett children, my brother's grand-children. Two grand-children of E. Dawson.
Q When was that? A That, I think it was in '84.
Q Have you got a copy of that act? A No, the record is here.
Q Was that by the Spears Court? A Yes sir, by the Spears Court.
BY MR. McKENNON: We now offere in evidence a judgment of the Cherokee Commission on Citizenship, 1880 and 1884, found on page 190, case No. 181, dated September 9th, 1884, signed by Ell Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Lula Douthett and Dallas Douthett as Cherokees by blood.
Q These now are the Douthetts to which you refer, are they? Yes sir.
BY MR. McKENNON: Attention is called to the fact that the names of the Commissioners are all signed in the same writing as the record of the judgment.

The said judgment record above introduced, and found on page 190, No. 181, record of 1880 to 1884, is as follows:

"Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, September 14th, 1884.

E. Dawson, for his grand-children,)
No. 181. (C. H. Taylor,
Lula Douthitt,) Atty. of Claim.
Dallas Douthitt, (
vs) Petition filed September
The Cherokee Nation. (14th, 1884.

Case submitted by Plaintiffs Sept 14th, 1894.
Case submitted by Solicitor, Sept. 18th, 1894.
Continued by Petitioner Jan 22 1894 to September Court 1894.
Re-submitted September 2nd 1894, by Attys Taylor and Benvert

Submitted by defense Sept 2 1894.

And now on this the 13th day of September 1894 on the this case for final hearing and all the evidence in the case having been carefully read, and considered by the Commission on Citizenship it is has been decided by the Commission that the above named Lula Daudnett and Dallas Daudnett are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

Eli Sparks, Pres.
John Lee,
John L. Adair, Andrew Young,
Clk Com'n. Commission on Citizenship."

Q Now were there any other actions of the Cherokee authorities of like character relating to the members of your family?
A I don't remember of any others.
Q I will ask you if when the Cherokee authorities were making the roll of 1896, in compliance with the request of the Dawes Commission for a roll to be prepared by them for the use of the said Commission, the question of the citizenship of the members of your family was not then raised and an investigation had in regard to it? A Before the Dawes Commission?
Q No, before the Cherokee Commission making the roll of 1880, of which John T. Gunter was a member? A Yes sir, yes. I had forgot it, but since you have named it there was some investigation of that at that time; this is what I understood.
Q That roll shows that the members of your family were duly enrolled by the Commission? A Yes.

Q Have you and the other members of your family since your removal to the Territory in 1887 and immediately following been recognized as Cherokee citizens by blood? A Yes sir.

Q Have you been exercising and enjoying all the rights of Cherokee citizens by blood since that time? A Yes sir.
Q You and all the members of your family are living in the Cherokee Nation? A Yes sir.
Q You have all drawn Cherokee moneys whenever payments were made?
A Yes sir.
Q And have you all also members been voting at the Cherokee elections or in the Cherokee elections? A Yes sir, I was one of the judges of the election that was held voting on the treaty.
Q What treaty? A The treaty bill that was sent back here for the Cherokees to vote on. I was one of the judges at Afton.
Q In what year was that? A I believe it was last spring some time, last April.

Q Have any of you held any offices in the Cherokee Nation? A Yes sir.
Q What offices have the members of your family filled? A Deputy Clerk, under Pete Hastings, when he was clerk of Delaware District. I was a candidate once for Council in the Downing party.

Q Can any office of deputy clerk be held by any one else except a recognized citizen? A Only by a citizen, yes sir.
Q Is that all? A (No reply).
Q Have the children of members of your family attended the Cherokee schools, and been educated in Cherokee schools? A Yes, sir.
Q Have the members of your family been all the while subject to the jurisdiction of the courts of the Cherokee Nation? A Yes sir.
Q Have they been tried for any offences against the law? Yes sir.
Q And have they instituted their civil suits in the courts of the Cherokee Nation? A Yes sir.
Q And had suits instituted against them in such courts? A Yes sir.
Q Some of these cases have gone to the Supreme Court of the Cherokee Nation? A Yes sir.
Q And were passed upon by that tribunal? A Yes sir.
Q Is there anything else? A Nothing now; I am sick this evening: I have got the head-ache so bad I can't hardly see.

BY MR. HUTCHINGS:

Q How old was your father Robert Dawson when he died? A I don't know, I couldn't answer that.
Q He was a very old man? A Yes sir, he was getting tolerably old.
Q Could you tell how much older he was than you? A No I don't know.
Q Mr. James Dawson in 1884 must have been a very old man, mustn't he? A Well he was old and he was feeble.
Q Well you stated that he had been so silly: was he naturally that way? A He used to live in Texas; I didn't know him until after he came to the Territory.
Q I say he had gotten so old, that was the occasion of that? A I suppose so, the oldest one of these children was Mrs. Betty Peter, that's my understanding.
Q And the oldest boy was John Dawson? A He always called him Jack.
Q Jack Dawson he was the oldest? A Yes sir.
Q Sam was the youngest? A Sam Riley.
Q He was the youngest one of the crowd? A Yes sir.
Q Your father lived four or five years after he and you were admitted to citizenship? Yes sir, something about that, it was in 1883, I think he died in 1887, I wont be positive; that is as near as I remember now. I have got a headache so bad that I can't remember anything.
Q He nor none of the older members of the family were ever present at any of these trials of citizenship? A No sir, not a one of them was.
Q Not a one of them was ever called upon to testify as to the blood of their mother, who she was or anything about it? A I don't think they was.
Q Your claim of kinship was through Captain John Rogers and that your grandmother was the half sister of Big Joe Vann, wasn't it? A I don't know, I couldn't answer the question.
Q You were there when they took the testimony? A I was there when Dr. Baker's testimony was taken, that was about 15 years ago.
Q And nobody kin to the Rogers and Vanns was ever called to testify in the case? A Not as I know of.
Q They were very well known Cherokee families in the country? A I suppose so, I don't know.
Q And yet nobody on any side of the family connected with it was ever called to testify A Not that I know of, I don't know that my brother done, he taken some of the evidence at Tahlequah when I was not there; he first filed his claim.

Q You had spoken to Dr. Baker about the testifying before you brought your case didn't you? A No sir.
Q It must have been a short time afterwards? A It was a short time afterwards. I went back after him and it was too late and I fetched him the next time.
Q You had talked to your brother about what you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our folks.
Q You had told him in a general way you expected to use Dr. Baker as a witness? A Yes sir.
Q You went off, came to Arkansas and left your brother at Tahlequah after you told him that fact? A Yes sir.
Q You didn't see your brother any more until after you were admitted? A No sir.
Q You had however made trips back and forth to Tahlequah and here at different times, but you didn't happen to get together? A No. I never met him any more and I don't know that he was there until after we were admitted.
Q But you were there and brought Dr. Baker over? A Yes sir.
Q And took his testimony a year or such a matter before ever you were admitted? A I think as well as I remember, yes sir.
Q Now the way you came to get Campbell Taylor was on the recommendation of old man Bryant? A I didn't get him, didn't use him.
Q The way he came into your case? A The way he claimed to come in.
Q He did more in your case than Bryant did? A Campbell didn't do anything.
Q What did Bryant do? A I think he held my brother talk evidence my brother employed him.
Q How did you happen to be sending money by Campbell to Mr. Duncan? A I never sent him any money.
Q Then when he, Mr. Duncan, states that Campbell delivered the money as Campbell said he did, both were wrong? A Oh no, you are mistaken, Mr. Duncan got 20 or 25 dollars, which he stated, from Campbell Taylor, for me.
Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryant, and he wouldn't do it, and I tried to get the money back from him, and I finally worked the 20 or 25 dollars he gave to Duncan.
Q Then you didn't tell Duncan as he testified what you sent 20 or 25 dollars by Campbell Taylor? A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for me of the money I give him to give to Joel Bryant.
Q The family kept Campbell Taylor employed though as their attorney after that? A In the James Dawson case I think so.
Q E. Dawson, you remember, had him for his grand-children? A That is my understanding.
Q And your uncle James Dawson had him in the case of his children? A Uncle James had nothing to do with it; James Lowrey and Bill Jackson got him; that was my understanding of who employed him.
Q The record here shows that the case was originally instituted by O. E. Taylor and was finally submitted by him September 2nd, 1884, in the James Dawson case? A I don't deny him being in that case.
Q You say he was employed in the E. Dawson case? A I don't know who was in the Barthett children's case.
Q The record shows that Campbell Taylor instituted the case, and it was finally submitted by him, and Mr. Bennett, who testified a while ago? A That was in the James Dawson case, wasn't it?
Q That was in the E. Dawson grand-children? A Elbert?
Q No, in the Barthett children's case? A Oh yes.

Q He was likewise attorney in the Mary Dawson case was he, and before the Adair court, the 4th of October, 1887, in the case of James K. P. Dawson? A I don't know anything about that.
Q And the case likewise of Riley Dawson? A I don't know anything about those.
Q They are relations of yours? A Well I couldn't say.
Q James K. P. Dawson proves to be a son of Riley Dawson? A Well if he is he is no connection then. There are so many Dawsons I don't know them all.
Q You know Andrew J. Dawson? A Yes sir.
Q The Dawsons have so many children their brothers didn't hardly know them did they? A That's it, I don't know them.
Q Well then you don't know who Andrew J. Dawson is? A No sir, I don't know.
Q He refers in his application as being a cousin of E. Dawson, and yourself, who were admitted to citizenship by the Tehlequah Court? A He may be, I don't know nothing about it.
Q He resided I believe, at that time at Nevada, Missouri? A I don't know anything about those people.
Q Old Dan Baker was an old and paralyzed man at the time he testified wasn't he? A Getting old, he was not paralyzed.
Q Then the statement made that the reason he couldn't write his name and had to make his mark, because he was paralyzed, in the testimony isn't that true? A He didn't have good use of his fingers.
Q Then he was not paralyzed? A No, I brought him over there in a hack from Berryville, Arkansas.
Q Well I say he was a very old man? A Yes, getting old.
Q How didn't you come to this place up there joining Grandpa and work on it some time before you brought your family? A No, I brought my family with me, except my wife.
Q And you subsequently built a log house on it? A Yes sir.
Q And went back and got your wife and moved them to the log house? A Yes sir, went to Eureka and got my wife.
Q You never saw your grandfather at all? A Sam Dawson, yes sir, I saw him.
Q You remember do you of being with him much of any at all? A I was in Texas in time of the war, with my uncle Riley Dawson, and he was there.
Q In '60 sometime? A '62, I reckon, or '63. Somewhere along there, it was in time of the war.
Q How old a man was he at that time? A Pretty old man.
Q You never saw your grandmother, she died before she came?
A Yes sir, I never saw her at all.
Q Who first started the citizenship matter, your brother in Texas or you? A Why it was me, and my brother together.
Q I mean who first conceived the idea? A I first commenced talking about it.
Q And sent down for him? A I was in Texas with him and then in Arkansas; I went backwards and forwards a time or two after that.
Q About that time nearly everybody in Arkansas were trying to get some claim of kinship to Cherokees? A No sir, not at that time.
Q They were getting pretty thick in there in 1880? A Well in '80 and '4 and '5 I think.
Q Been some excitement over there to get yourselves on the rolls?
A Just got to be everybody; but it wasn't at the time we were admitted there was not much stir about the rights here.
Q Well the Watts had been admitted before that? A I suppose they had; there was not much excitement over the Watts claim at that time.

BY MR. HASTINGS:

Q You did locate and board with Sam Shabler when you first came to Tahlequah in '02? A I think I did.

Q Your brother Buck Dawson stayed there also? A Yes sir.

Q Sam Shabler lived in the north end of town, old German? A Yes sir, old German lived in the lower part of town.

Q Did you ever hear the names of any other witnesses which you stated perhaps testified in your case? A I have heard them but I have forgot them.

Q You don't recollect any name now? A I don't remember that now sir.

Q In the Irene House case and Joanna Barber case, in which you testified before the Commission, when you were making search for this testimony you couldn't find any other testimony from that of record except the Dr. Baker testimony, could you? A That's all we could find; no we didn't find the testimony, we got a copy.

Q Well it must have been a copy of the original, the certificate shows that? A I don't know; House got a copy of what claimed to be the affidavit of Baker and he told me to give it to him; that is all I know about it.

Q Well the certificate there does not bear by certificate does it? A I don't know about that, I am no scholar.

Q Well you didn't get the testimony of any other witness except that of Dr. Baker; you couldn't find any other over there of record? A I didn't hunt for any; House hunted for them.

Q Now of you have ever been able to find any other? A No. Not even find our petition.

Q Samuel R. Dawson applied to what is known as the Adair Court, didn't he? A I don't remember now.

Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.

Q The father of these two parties who testified here this morning? A Well I don't know, they claimed to be, I never met them to know them.

Q He was rejected by the Adair Court, or Hayes Court? A I don't know whether he filed his petition.

Q Did you testify in his case? A I don't remember; I might now dont it.

Q Didn't you testify in the Andrew J. Dawson case before what is known as the Hayes Court? A I don't recollect, if I did I don't remember.

Q Did you testify in the Riley Dawson case? A No sir, not that I remember.

Q Didn't you know of his being rejected by that court? A I don't remember, sir.

Q You know that the Cherokee Council never authenticated the roll of 1880, don't you? A No sir, I don't know it; I didn't know this was done until I went to Tahlequah after some papers and came back and they told me about it.

Q You never could out that C. H. Taylor was a big, rascal up until the present time have you? A (No response)

Q The records here show that he has been in the constant employment of your family from that date up to this time? A Why it shows here from the record; I could rather be excused for my part of it.

Q You were the man that had the task to do with it? A I never employed him, I own my that.

Q You are the man that had most to do with the records? A In Joe Jones case and in my father's case.

Q Didn't you testify for your uncle Jim Dawson? A Yes sir.

Q Wasn't he attorney for him? A Yes sir.

Q Wasn't he employed by Mr Dawson after you got your citizenship?
A Why yes but the grand-children.
Q Mr Dawson's petition was filed in September 1903, after yours?
A Yes sir.
Q C. H. Taylor, attorney of record, filed his petition? A He might have filed it for all I know.
Q Well you hadn't at that time fallen out with C. H. Taylor had you? A Why no, we never did have any trouble, only ever time money, he never would give it back to us or give it to Bryant.
Q You never discovered that he was much a bad man until after your judgment was rendered? A I knew he was not of good character.
Q Are you and Brought, Ed Vann and Hentifred for the Cherokee Nation, on speaking terms? A Hardly speak.
Q Does he refuse to speak to you? A Sometimes he does.
Q Do you refuse to speak to him? A Yes sir.
Q Have you been speaking to him for the last two or three months? A I have not spoke to him until I met him here at the hotel the other day.
Q First time you spoke to him since he had the boy arrested? A Yes sir.
Q When did he have the boy arrested? A Along in September or October, September I think.
Q When did Dr. Baker die? A I don't remember.
Q You don't remember how much older your father was than you? A No, I don't know.
Q What is your age? A I will be 60 in May.
Q Then you were born in '42? A Yes sir, '42 according to the record.
Q Was your father as much as 25 years old when you were born? A I couldn't say.
Q What was your best judgment? A I suppose he was 20 or 25 years old. My understanding he married young.
Q Can't you give any better idea than 4 or 5 years of your father's age? A I say 25.
Q Your father was born say, 25 from 42 would have made him be born in 1817; now had your father any older brothers or sisters? A I think Jack Dawson was the oldest of the family, no, Betty, the girl, was the oldest and Jack next, and then my father as well as I remember about it.
Q There were two girls older? A No, one of the girls I never saw.
Q Then you think there are only 2 older than your father? A Yes, that's my understanding of the family.
Q Dr. Baker gives his age 73 in '82, which would make him be born in '89, now he states that when he was 10 or 12 years old, which added to 1809, will make 1824, that your grandmother Anna Proctor, as a school girl; whereas from your testimony and that of the family history introduced here shows that your grandmother Anna Proctor was the mother of seven children, the youngest being born in 1823, how do you reconcile that? A I don't remember about the statement of Dr. Baker; I don't know what he made such statement as that, I don't remember about it.
Q And if he did you don't know how to reconcile it ? A (No response.)

Q Did you talk to any of the members of the Court that admitted you? A No sir, I was not acquainted with them.
Q You know whether they were old or young men? A They were old men like: Steve Tehee. I got acquainted with him afterwards, and Tom Thompson, at the Council you know I was there a good deal.

Q That was the fellow that was on the Court? A Yes sir.
Q He was afterwards Assistant Chief of the Cherokee Nation?
A I think so.
Q Steven Tehee, that's the man you have reference to? A Yes sir, I think it was, I just know the man; I had no acquaintance with him at all.
Q D. W. C. Duncan boarded when you were down there at the National Hotel? A I think he did, as well as I remember now when we were admitted.
Q Don't you know he did? A I think he did, as well as I remember.
Q Were not you over there to his house? A I think I was.
Q You remember when it was that you brought Dr. Baker down there to take a statement before the Court? A It was in January Term, was it January Term of 1882 I believe, it was, as well as I remember about it.
Q Well you didn't take any more testimony after Dr. Baker testified?
A No sir, I didn't.
Q But your case was not submitted or passed upon for a year?
A I think it was, yes sir, as well as I remember.
Q I would like to ask you when the Blassingame family came to the Cherokee Nation? A Alex Balsingame came with us when we moved here, and went back and got his family and moved that fall.
Q Did he move his family here that same fall? A Yes sir.
Q What year was that? A In the fall of .83 I believe it was, as well as I remember now.
Q When did the Sulaska family come? A I think the girl and the old lady came in the next spring.
Q How long did they remain that time? A The old lady stayed here, but the girl went back and in a short time her and her husband came back.
Q Did she come back until after her marriage? A No, she was married when she came first.
Q The last time? A She was married I think, she was married when she came out.
Q How long has August Sulaska been a permanent and continuous resident of the Cherokee Nation? A I think he came there in the fall of 1884 or 1885, I wont say which.
Q How long has Robert Pierce been a continuous resident of the Cherokee Nation? A Ever since he was admitted.
Q When was that? A '83.
Q How long has Martin L. Patterson? A Ever since he married his wife, and he was living here before he married his wife.
Q Who is Arizona Airey? A That is my daughter.
Q Did you bring her with you? A No not when I moved.
Q When did she come? A She came out in a year or two after I moved here.
Q Was she married when you moved here? A No sir, she was not married.
Q She was not married when you were admitted? A No sir, she was a child.
Q When did Jim Love come to this country? A With his grandfather, Jakes Dawson.
Q What was his mother's name? A Melvina Dawson.
Q You know Jim Love's age? A No sir.
Q Don't know how old he was in '83? A No sir.
Q Was he grown? A I think he was.
Q Married? A No no.
Q Married in this country? A Yes sir.
Q Who is James H. Harrison? A Married one of the Jackson girls.

Q When did they come to this country? A Right away after they were admitted.
Q In what year? A I think the winter of '84, I think it was, maybe the winter of '84.
Q You know Gideon Graham? A Yes sir.
Q Who is his mother? A Missouri Ann Graham, formerly Missouri Ann Dawson.
Q Did he come from Texas to Arkansas? A Some from Texas.
Q Did you know that in Texas? A I knew the girl.
Q You never knew that until they came to this country? A I never knew it.
Q When did you see him here? A I think they came here in the fall or winter of 1884 or '5.
Q He was married then? A I think he was.
Q Brought his wife? A I think he was, I don't know.
Q Did he have any children when you first met him? A He came to Fort Smith and I never saw his family for--I don't know, for several years.
Q You understood he had a family? A Yes sir.
BY MR. DOUGHERTY:
Q Did you mean to say '84 or '34? A '84.
Q Did you see Sid Graham in '34? A '34, let me study, maybe '35. BY MR. HASTINGS:
Q Did you see him in '35, are you positive on that proposition?
A I think so.
Q Will you swear it? A No sir, I won't positive swear it, but I think it was, as I remember now it was; I couldn't say positive.
Q All the people, Mr. Dawson that have been admitted to citizenship by courts of competent jurisdiction unless they were de-citizenised by courts of acquired jurisdiction, enjoyed the same privileges that you have narrated here about going to school and being tried in the courts? A Yes sir.

Q All that sort of thing that you have been telling here on your direct examination? A Ask me the question again.
Q I say all people who were admitted here by courts of competent jurisdiction, until they were de-citizenised by courts of like jurisdiction, enjoyed the same privileges that you did? A So far as I know they was.
Q They all drawed money and all tried in the courts as long as we had tribunal courts, were they not? A Yes sir, so far as I know.
Q There was no special privilege granted to you in preference to anybody else? A None but recognized citizens of the Cherokee Nation.
Q Well you had been recognized since you were admitted? A Yes sir, I enjoyed the same privileges of native born Cherokees.
Q Well I say there is nothing special about it? A No, I don't know as there is.
Q You got acquainted with Mr. Duncan while you were up there during the hearing? A Yes sir, I was acquainted with him, knew him, when I saw him.
Q Mr. Bill Rose did the examination of Dr. Baker? A Yes sir.
Q Did you file any other paper before the Court other than your petition and then Dr. Baker's statement? A I never filed any petition there at all.
Q None whatever? A I don't remember any.
Q Well you never had occasion to file any papers before Mr. Duncan? A I got him to do some writing for me.
Q What? A Letters to my brother in Texas.
Q Nick Dawson? A Yes sir, N. Dawson.

Q That? A Yes sir, Buck Dawson.
Q Well is that all he did for you? A I don't remember now about it.
Q Why didn't you get your Attorney to do that letter writing? A There was not any there.
Q Taylor Hor, Bonge was not there then? A No sir.
Q That is what you paid the 25 or 30 dollars for, was writing this letter back to your brother? A I paid him for that claim.
Q When did you pay that? A I think I paid it, I don't exactly when, Capt Taylor paid it a year or two after I moved out here and settled where I did; might have been 2 years. I don't remember.
Q Where was Dawson living then? A I couldn't say where.
Q Was he still clerk of this Court? A No sir, not when the money was paid; that is, when Capt Taylor said he paid it.
Q You did send Capt Taylor some money? A I sent some money to him for Joel Bryant.
Q You knew Joel Bryant's address didn't you? A No, I don't know that I did, No I didn't send Capt Taylor any money, I gave it to him.
Q How much did you give him? A One hundred dollars.
Q When? A Right at that time: he claimed it from me as soon as we got our papers: he came onto me and dunned me for Bryant.
Q You never sent him any then after that? A No sir.
Q Did you ever see Bryant after that? A Yes sir
Q How long after that? A I don't know, a year or two afterwards, a year I believe, my brother wrote, I wrote to my brother about paying Capt Taylor money and he went onto my brother about it and he never paid him until we moved out to this country.
Q After all that you got him to attend to your uncle Jim Lawson's and the other relatives cases? A The other parties did.

BY MR. McKENNON:

Applicants object to all that part of the witness' evidence in response to interrogatories by their solicitatives of the Cherokee Nation which relates to the character of the evidence upon which the judgment admitting members of the James and Robert Dawson families were admitted, and to the history of the members of the Dawson family, because the same is immaterial, incompetent and irrelevant.

BY MR. McKENNON:

Q One question I omitted to ask you Mr. Dawson, as to the Court at the time the judgment admitting Robert Dawson's family was rendered, who of the judges were present on that day? A They was all three of them, Wolfe, Tehee and Thompson.
Q Are you positive of that fact? A Yes sir.
Q You do not know this Andrew Dawson family who applied to the Dawes Commission for Cherokee citizenship, and who stated that they are cousins of some members of your family? A Andrew?
Q Andrew J. Dawson, who claims to be from Missouri? A How is the question?
Q You do not know them do you? A I don't know that they are any kin to us.
Q You don't know that they are related to you at all? A No sir.
Q This Mary Dawson case, do you know the members of that family? A No sir, I don't.
Q Don't know who they are? A No sir.
Q The Rebecca Dawson case? A I don't know her either.
Q You don't know whether they are related to you or not? A No sir.
Q If any of these persons are related to you or your family did you have any knowledge of it? A Not as I know of.

Q Joanna Barber, do you know anything about them? A They claim to be kin to me.
Q Where are they from? A They are from Texas.
Q Do you know they are related to you? A They claim to be kin.
BY MR. HASTINGS:
Q Will you swear for them before the Commission? A Yes, they claim to be kinfolks of mine.
BY MR. McKENNON:
Q Irene J. Bowen, who is that? A That is a cousin of mine: claims to be.
BY MR. HASTINGS:
Q You testified for her didn't you before the Commission? A I think I did as well as I remember.
BY MR. McKENNON:
Q Before the Court that admitted James Dawson and family, who were the witnesses there? A Oliver Miller, from Berryville, Arkansas.
Q Who were the others? A Myself and J. Dawson and there was two other witnesses, I don't remember who they are.
Q Were they Cherokee citizens and residents of the Cherokee Nation? A Yes sir.
BY MR. HASTINGS:
Q You don't remember their names? A Which?
Q Of these other people who claimed to be citizens of the Cherokee Nation and who were witnesses? A I said about me and J. Dawson were citizens of the Cherokee Nation.
Q You only proved that Jim Dawson was a brother of Robert Dawson before the Court? A Yes sir.
Q And then referred back to the decision in the Court before? A We proved that they were citizens, and he knew my folks before he ever came here.
Q Was he older than Dr. Baker? A About the same age.
Q Why didn't you get Oliver Miller's testimony in the House case?
Q He was dead.
Q You and no member of your family in the Irene House case or the Joanna Barber case or any of those cases that were tried before the Dawes Commission in your affidavits ever made reference to the fact that Oliver Miller testified in Jim Dawson's case in '84 did you? A I don't remember about that.
Q You did make reference to the fact that Dr. Baker testified there in '83, didn't you? A I don't remember about that now.
Q You never made reference to any other witness having testified other than Dr. Baker did you? A I don't remember about it now.
BY MR. McKENNON:
Q Now just one other question: All of these papers in the original application and everything, so far as you know, in the James Dawson case, were filed before the Commission which admitted the James Dawson family, are lost or mislaid are they not? A I suppose they are, I don't know, I never saw them.
Q Have you tried to get copies of them? A Yes sir, I tried to get the original papers.

BY COMMISSION: This case is continued until 8:30 a.m., tomorrow morning, March 20th, 1902, it now being the hour for adjournment.

MARCH 20, 1902,- 8:30 a.m.- F. L. DAWSON again on the stand, testifies as follows:
BY MR. McKENNON:
Q Who was your brother Rich Dawson raised? A In Arkansas.

Q What County? A Carroll.
Q Near what town? A Dew yville.
Q Did Dr. Baker live at Dewyville? A Yes sir.
Q Was your brother intimately acquainted with him for many years?
A Yes sir.
Q Did he know him sufficiently to be acquainted with his character and habits of life? A Yes sir.
Q Do you know Josephine Pierce? A Yes sir.
Q Whose daughter was she? A Robert Dawson's.
Q Is she the same identical person who is called Josie Pierce, and Josie Dawson? A Yes sir.
Q Is there any other Josie Pierce or Josie Dawson or Josephine Pierce or Josephine Dawson? A I don't know but the one.
Q She was also called Josephine or Josie Kelly? A Yes, after she married; her first husband was Pierce.
Q And her second husband A Was Kelly.
Q There was another Josephine Dawson wasn't there, Bulaska's wife?
A Why they called her Joe, I suppose that's her name, I could not be positive; that was Riley Dawson's daughter, August Bulaska's wife.
Q She is much younger than your sister, Josephine, above referred to? A Yes sir, oh yes.

BY MR. HUTCHINGS:

Q Where were you born, Mr. Dawson? A Carroll County, Arkansas.
Q You know how old you are? A 42.
Q 42? A I think so.
Q How many older children were there of your father and mother than yourself? A Three.
Q Which were they? A E. Dawson, Riley Dawson and Jasper Dawson.
Q You are the fourth child and the fourth boy? A Yes sir, fourth boy.
Q Where were your father and mother married, do you know, Dawson family history? A I think it was in Arkansas, I couldn't be positive, I think they was.
Q Do you know how long your grandfather lived in Arkansas? A No sir I don't.
Q Don't know what year he came to Arkansas? A Only from statement.
Q Well what did they say about it? A I think they come there in '30.
Q You know whether your father was born in Arkansas? No many of your grandfather's children were born there? A There was one of them born in Arkansas according to history and according to what he always told me, they were born in Tennessee.
Q He come there in '30, and all the other children were born on the Hiwassee River in Tennessee, before he ever came? A That is what I think, yes sir. Now I am not positive about that. They were from Tennessee, but either Dr. Baker lived there or my folks come from there; I don't know as I remember that I ever heard my father say where he was born at.
Q In Tennessee somewhere; he said he was a good big boy when he came to Arkansas? A I don't know as I ever heard him say.
Q Do you know the difference in the ages of yourself and your three older brothers? A No I don't.
Q Don't know the time that comes in between you? A No I don't know what; I think it is about two years though.
Q That would make E. Dawson about eight years older than you, probably? A Yes sir.

BY MR. McKENNON:
Q Did Josephine Pierce have a daughter who married Mr. Bogle?
A Yes sir.
Q What was her name? A I always knowed her by Dade Pierce; I don't know whether that is her right name or not.
Q That is Bogle's name? A John Bogle.
Q She is the child of Josephine Pierce who married John Bogle?
A Yes sir.
BY MR. HASTINGS:
Q Where did she marry John Bogle? A Near Afton.
Q When? A I couldn't state.
Q About when? A You have got a copy of the marriage license.
Q When did Josephine Pierce come to the Cherokee Nation? A '83.
Q Has she lived here continuously since that time? A Up until her death; she is dead.
Q Any of her children come with her at that time? A Yes sir.
Q And have they lived here continuously since that time? A Yes sir, except Bill Pierce, he went to Colorado and died.

J. C. STARR, being first duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q Your name is J. C. Starr is it? A Yes sir.
Q Mr. Starr, was that instrument taken by you, or before you? (Showing witness document.)
A Yes sir.
Q Where? A At the residence of S. H. Benge: near Fort Gibson.
Q When? A On the 15th day of this month.
Q What day of the week was that? A On Saturday.
Q Is that the day it was taken? A Yes sir.
Q Did you go there on Saturday to take this? A Yes sir.
Q Then when Judge Benge stated on Tuesday that it was taken "yesterday" meaning Monday, the 17th, he was mistaken, was he?
A It was taken Saturday, the 15th.
Q Was he mistaken or not? A It was not taken then.
Q Then his statement made on Tuesday the 18th that it was taken on "yesterday", meaning Monday, the 17th, was not correct, was it?
A I think not, because I was there, and it was taken on the 15th.
Q And it was taken on the 15th, you are positive it was taken on the 15th? A Yes sir.

Q Then of course his statement could not be correct? A I guess not.
BY MR. HASTINGS:
Q He was just mistaken about the date, wasn't he? A Yes sir.
BY MR. McKENNON:
Q Did you tell Charles T. Moore who is now present, on last Tuesday that they sent you out there on Monday to take that? A No sir.
BY MR. HASTINGS:
Q I sent you there last Saturday? A Yes sir.
Q And you went there at my direction, didn't you? A Yes sir, and came back Saturday night.

ROBERT L. DAWSON, being first duly sworn, and being examined testified as follows:
BY MR. McKENNON:
Q What is your name? A My name is Robert L. Dawson.
Q What is your age? A My age is something close to 30 years old, I am 29 past.

Q Are you a son of E. Dawson, commonly known as Buck Dawson?
A Yes sir.
Q I will ask you if you will examine this letter sent with the enclosure and state whether or not you found that among the papers of your father after his death? A (Hands letter to witness who examines it) A Yes sir, I found this amongst the papers of my father. He always kept all his own papers, and me looking over them I saw this letter.
Q Has that been in your custody ever since you found it? A Yes sir, if that's the letter that was in the envelope.
Q Well that's what it is, you can tell whether it is or not. (Witness further examines letter) Q That purports to be a letter from Samuel H. Benge, does it not, to your father? A Yes sir. (Here applicants' Attorney hands letter and env lope referred to to attorneys for Cherokee Nation.)

BY MR. McKENNON: I want to offer this letter in evidence in this case; it is a letter signed by S. H. Benge, attorney at law, dated Fort Gibson, C. N., Jan. 13, 1883. Addressed to Mr. E. Dawson, Esq., together with the envelope, in which it was enclosed, with the card of C. H. Taylor upon it, attorney at law, Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T., January 13.

BY MR. HUTCHINGS: The Nation objects to the introduction of this letter for the reason that S. H. Benge is living and has testified in this case, and his handwriting should be either proven or denied by himself.

G. W. BENGE, being first duly sworn, and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A G. W. Benge.
Q Are you a son of Samuel H. Benge? A Yes sir.
Q Do youknow his handwriting? A I believe so.
Q Is that his handwriting? (shows witness letter before referred to.) A Yes sir, it is either his or a resemblance of his.
Q To the best of your knowledge and belief is that his letter?
A Yes sir.

BY MR. McKENNON: Now we offer it in evidence.

BY COMMISSION: (Reading letter)

"Fort Gibson, C. N.,
Jan 13th, 1883.

Mr. E. Dawson, Esq.,

Dear Sir:- I write this note to inform you that your case came off before the Court on Citizenship on the 11th inst, and was decided in your favor, so you all are citizens of this Nation. F. M. Dawson was furnished with a copy of the decision at the court. He will write to you also. You will please send me fifty dollars as my fee in your case according to contract. Send it to Fort Gibson, Cherokee Nation.

Respectfully yours,
S. H. Benge,
Attorney at law."

Enclosed in envelope, as follows:
Card in upper corner, left hand:
"Return in ten days to C. H. Taylor,
Attorney at Law,
Tahlequah, Ind. Ter."
Addressed: "Mr. E. Dawson,

Henryetta,
Clay Co., Texas."

Post-marked: " Tahlequah, Jan 17 Ind T."

ROBERT L. DAWSON, -re-called and further examined, testified as follows:

BY MR. McKENNON:

Q Now examine that and see if that is also a paper which you found among your father's papers after his death? (Hands papers to witness) A That is the same letter that I found.

Q Among the same that you found the Bengo letter? A Yes sir.

BY MR. McKENNON: This is a letter purporting to have been written by J. M. Bryan, to R. Dawson, dated at Chouteau Station, Cherokee Nation, and not dated, which we offer in evidence. (Applicants' attorney hands said paper to Nation's attorneys.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSION: (reads letter)

"Chouteau Station, Cherokee Nation.
I. T., M. K. & T. R. R.

MR. Dawson:

Dear Sir:-

I am in receipt of your favor of the 30th inst in regard to our contract.

After I had got the claim so there would be little more to do I employed Campbell Taylor to answer for me when the case came up, for which I was to pay him $20 out of my fee.

This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, or that you was to pay him $100- and that you had offered him a check on some bank in Texas.

That $100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

And I am satisfied that you are apprised of the earnest work I done for you, Please write to me.

Very respectfully,
Very truly,
J. M. Bryan."

Q I will ask you if you know of your father having paid Bryan that money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A No, I don't know whether I know his age or not.

Q If you don't know you can't say? A I wouldn't have no reason to know his age, never asked him his age; of course I mean my mother knows.

Q Never had occasion to talk about his age at all? A Oh I have heard him speaking of his age at different times, but then I never paid enough attention to it.

Cid Graham, being first duly sworn and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A Cid Graham.

Q How old are you? A Mr. Graham? A I am 35 years old.
Q How long have you been living in the Territory? A I came out here in 1887 or '88.
Q To the Cherokee Nation? A Yes sir.
Q How long have you been living in the Cherokee Nation, what year was that '87 or '8? A Yes sir.
Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.
Q How long did you live in the Cherokee Nation? A About 6 years.
Q Where did you go then? A Wagoner.
Q In the Creek Nation? A Yes sir.
Q And been residing there ever since? A Yes sir.
Q In business? A Yes sir.
Q Have you all the while been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q Mr. Graham, do you know Judge Samuel H. Benge? A Yes sir.
Q Did you have a conversation with him in Fort Gibson about September of 1900? A Well as to the exact time I couldn't say, it was sometime about the time that the Dawes Commission were at Sallisaw, or possibly a little later, somewhere about there.
Q Taking the census of the Cherokees? A Yes sir.
Q At that time had the question of the validity of the judgment of the Cherokee citizenship commission admitting Robert Dawson and family been called in question? A Yes sir.
Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.
Q What did he tell you about it; well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A . He did.

BY MR. HUTCHINGS:

Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?
Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.
Q And he told you the judgment was all right? A Having known that Mr. Benge was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I might want his affidavit concerning the matter, and I also I think maybe wrote to him; possibly prior to that, I am not sure as to the writing, but I think possibly I did.
Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would use him in person; he assured me that everything was all right.
Q Your mother was Missouri Dawson was not she? A Yes sir.
Q Her name was Missouri Graham when she was re-admitted to citizenship? A Yes sir.
Q And was not Missouri Dawson as named in that judgment? A Yes sir.
Q Do you know whether the other children named in there had married and changed their names also at the time they were admitted? A There were not any of them married.
Q Ella Dawson was your aunt? A Yes sir.
Q Was she married at that time? In 1883? A Yes sir.
Q Melvina Dawson, was she married at that time? A Yes sir.
Q And the fourth one you have mentioned, Missouri Dawson, was your mother? A Yes sir.

Q Can you give us the exact date of your birth? A Yes sir.
Q So so, please? A January 21, 1867.
Q And you came to the Territory when? A In 1887 or 1888.
Q You can't make that any more definite? A Well sir, it has been a good while ago, and I didn't have anything to cause me to.
Q Well I just want to know whether you did have or not? A No sir.
Q When were you married? A 1886.
Q You were married prior to coming here? A Yes sir.
Q Your first child born away from her? A Yes sir.
Q What is its name? A John W.
Q '86 you were married, and he was born about the spring of '87?
A Somewhere in 1887, I don't remember.
Q Prior to your coming here? A Yes sir.
Q That is the only child you had that was born away from here?
A No sir, Julius.
Q Julius was not born in the Territory? A No sir.
Q And prior to the time of your removing to the Territory? A Yes sir.
Q These are the only children born out? A Yes sir.

BY MR. McKENNON:

Q Do you know Campbell Taylor? A Yes sir.
Q I will ask you if about February 1901, he came to Wagoner, and sent his son to have you come to the hotel at night where he was, and if he then and there said to you "You people are on the doubtful list, and if you will give me five hundred dollars I will make it all right and)see that you are enrolled, and if you don't I will see that you don't get on".? A Well now as to the first part of thatquestion, where you say he sent his son; that is an error; I don't know whether he care to my house or sent some one; when I returned home that evening my wife told me there was some one there to see me, and was at the city hotel at Wagoner, and said come down and see him; I went down there; I never had met Taylor; he introduced himself to me and stated what his business was; asked, me if I was on the doubtful list, etc., to which I replied that we were; he asked me if I didn't want to employ him, stating that if we would give him, our family would give him five hundred dollars he would see that we were placed on the rolls all right, but if we refused to give him five hundred dollars that he would use his influence against us and see that we were rejected.
Q You never had met him before, or had any communication with him?
A I never met him before; as to the communication, I may have written him something about his affidavit as to the validity of that judgment, I can't say as to that. He said in his testimony that I did; I don't know whether I did or not now.

BY MR. HUTCHINGS:

Q You knew he was the attorney in the case, originally? A After looking at the records I did.
Q I mean you knew it at the time you wrote to him about the affidavit; that was the reason why you thought he would know something? A Certainly.
Q He never told you he was going to swear against you or threatened to tell anything that was not true? A He just simply said unless we gave him that five hundred dollars he would see we were all put off the rolls.
Q Said he would use his influence against you, that is what he said? A Yes sir.

BY MR. HASTINGS:
Q You don't deny writing to him then for the affidavit? A I don't say I did or I did not; I neither affirm it or deny the question.
Q You wrote to Captain Bunge and also wrote him with reference to what he knew about the case? A I don't know whether I wrote him or not, I would if was under the impression I wrote him so.
Q You went to see Aaron Butler, who was interpreter before that court, didn't you? A Yes sir.
Q And you went with Aaron Butler to see Jim Smith, attorney before that court? A Yes sir.
Q And you either wrote or went to see everybody you know of that was before that court then? A Yes sir.
Q That shows you used considerable activity? A Yes sir, I used such activity as was to my interest.
BY MR. MCKENNON:
Q That was all after the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof which as had previously before the commission had been placed upon a doubtful card? A Yes sir.
Q Then you began to look up the evidence and see what there was in it? A Yes sir.
Q As Mr. Hastings has stated? A That's right.
BY MR. MCKENNON:
Q You are a grandson of James Dawson? A Yes sir.
Q The old gentleman? A Yes sir.
Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1854, wasn't it? A Yes sir, well I can't be exact as to that.
Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.
Q Well what other James Dawson did you know belonging to the families, either one of these families, Robert Dawson family or the James Dawson family? A I never knew of but two James Dawsons.
Q Who were the others? A Dr. James R. Dawson, who is present and standing right here; my grandfather, James Dawson.
Q Was there any By any James R. Dawson 35 or 40 or 45 years old, that you know of, belonging to either one of these families?
A No sir.
Q Do you know how old Dr. James R. Dawson was that that time?
A James Dawson? Q No I am speaking of Dr. James R. Dawson? A Oh, How old he was, no sir, I do not.
BY MR. HUTCHINGS:
Q Do you know who was here attending to your mother's citizenship case at that time, at the time they were admitted? A Yes sir, James Low and Bill Jackson, son of Allen Jackson.
Q Who was W. A. Dawson? A That is Wilburn, my uncle.
Q Was he here? A I don't know sir.
Q You were not here any of the time? A No sir.
Q You know your grandfather then, you had lived in the same neighborhood with him? A Yes sir, I knew him well.
Q He didn't die for a year or two after that did he? A After when, Mr. Hutchinges?
Q After his admitting to citizenship? A No sir, he didn't die I think until '91 or '90, several years after.
Q Very old man when he died? A Yes sir.
BY MR. MCKENNON:
Q About what age? A He was approximately 80 years old.
BY MR. HUTCHINGS:
Q When he died? A Yes sir.

BY MR. MARTINEZ:
Q That about 1891? A I think so, yes sir.
BY MR. McKENNON:
Applicants object to the testimony of the witness elicited by interrogatories of counsel for the Cherokee Nation relating to his family, their history, etc. as being immaterial, irrelevant and incompetent.

James R. Dawson, being first duly sworn, and being examined, testified as follows:
BY MR. McKENNON:
Q Your name is James R. Dawson? A Yes sir.
Q Where do you live? A Afton, Indian Territory.
Q What is your age? A 45.
Q You are a physician? are you not? A Yes sir.
Q Was James Dawson, whose family was admitted in 1884, an uncle of yours? A Yes sir.
Q Do you know what his age was at that time? A No sir, I do not, only approximately.
Q State as nearly as you can? A At the time of theadmission?
Q Yes sir? A About 70, I don't know exactly.
Q How old was he when he died? A I would suppose he was about 78.
Q What was your age in 1884? A I am 45.
Q What year were you born, Doctor? A I was born in '83.
Q That have been '83? A Yes sir, that's right.
Q What was your age then? A In '84?
Q Yes sir? A About 28.
Q Were you present at the time that James Dawson family was admitted, or at any time while their case was pending before the Cherokee citizenship commission? A Not while the James Dawson case was, no sir.
Q You were present during your father's case? A I was there at the time.
Q When was that? A The dates I dismember; when the case first come up, I dismember the exact date.
Q How long were you there? A I was there about a week.
Q Was that when it first came up you say? A Yes sir.
Q Nothing was done? A No sir.
BY MR. HUTCHINGS:
Q You never saw Dr. Baker? A Yes sir.
Q Did he and your uncle Jimmie use to talk about how they played together when they were boys? A My uncle Jim and Dr. Baker talk?
Q Yes? A I never saw them together.
Q They were about the same age? A Yes sir, I believe Dr. Baker was 15 years older probably.
Q Dr. Baker must have been mistaken about his own age? A Guessing, that's all I know about his age.
Q The Doctor had been paralyzed, rather a decrepit looking man at the time he was over here at this citizenship business? A No sir, not as I know anything about.
Q He was near about 70 then? A I couldn't tell you, he was an old looking man.
Q Your uncle Jimmie was about 70? A Yes sir.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

W. W. HASTINGS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS:

Q State your name? A W. W. Hastings.
Q Residence? A Tahlequah, age 35.
Q You are attorney for the Cherokee Nation in the general preparation of these cases? A Yes sir.
Q Just state how it happened that you summoned Mr. Campbell Taylor, and what occurred between you with reference to his testimony?
A Well there had been some talk, as the testimony here indicates, that there was perhaps fraud in the admission of this family, and by agreement with counsel on the other side, and the Commission, this case was set for the 17th day of March, and some short time prior to that, as the attorney for the Nation I began to make some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote C. H. Taylor to come down here. I don't think in that letter that I told him what I wanted with him. I don't think I told him the case that I wanted him to testify in; that is my recollection now. Mr. Taylor prior to that time, neither directly nor indirectly, so far as I know, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I summoned him; perhaps the fact that I knew he had been connected with them in some way and that I perhaps also would get some information from him. Well he came in response to A letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe he could be compelled to testify, and that is he was put upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length; I asked him what he knew about it; of course he for a long time declined to tell me; and what information I did get from him was by piecemeal. He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him.

Well we talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he detailed to me the facts just as he told them on the stand; I don't believe there is the slightest variation, except that he perhaps was not so full at that time and it was told by piecemeal, but I got all those facts out of him, or very nearly all those facts out of him. He may have elaborated a little more here by examination; but he never voluntarily gave me any information at all, either directly or so far as I know indirectly. I don't think he sent any one to me. I got his name because I heard he was connected with the case, and perhaps knew something about it, like I did a great many other people, some of whom I didn't bring, because they didn't know what I supposed they did know about the case.

With reference to S. H. Benge, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. C. Starr over to S. H. Benge's place to take his affidavit on Saturday, March 16, in the W. R. and J. W. Shoemake case, and their descendants. I had heard that Mr. Benge knew some important facts in connection with the Shoemake case and I sent him over there then to take that affidavit; and when Mr. Starr came back he told me that he knew some facts also in connection with these other cases, and I was surprised to find he had instead of one affidavit, in the Shoemake case, that he also had another affidavit in the Dawson case. That is the first information I had that Mr. Benge knew anything whatever in connection with the Dawson case, and therefore he never voluntarily, either directly or indirectly gave any information prior to that time to me.

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not seeking anything else but the truth, and didn't want him to tell anything else but the truth.

I want to say again that after he was on the stand and left that evening, and after Captain McKennon, or counsel for the family, had indicated his willingness for Mr. Taylor to testify, that he went over all of these facts that he testified to on the stand subsequent to that time in the presence of J. C. Starr in my office. I simply wanted to go on the stand for the purpose of showing that Mr. Taylor hadn't voluntarily given me any information, and I make this statement for that purpose.

BY MR. McKENNON:

Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the persuation that I brought to use.
Q He therefore did it simply upon your persuation? A Yes sir.
Q You knew he had been acting as attorney for these parties?
A Yes sir, I had seen from the record that he did too.
Q And he told you so? A Yes sir.

BY COMMISSION: The attorneys for the applicant and the representatives of the Cherokee Nation will be granted thirty days from the receipt of the transcript in this case in which to file a brief in this case with the Commission.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. Green.

I, Arthur S. Evans, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing, and that the same is a true and complete copy of the original.

Arthur S. Evans

Subscribed and sworn to before me this 18th day of December, 1902.

B. D. Jones
Notary Public.

File With Cherokee D-472, Effie Pierce.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Francis M. Dawson, et al for enrollment as Cherokee citizens, consolidating the applications of [illegible]

[illegible]	Cherokee	D.	324
[illegible]	"	D	380
[illegible]	"	D	381
[illegible]	"	D	384
[illegible]	"	D	388
[illegible]	"	D	389
[illegible]	"	D	390
[illegible]	"	D	392
Albert K. [illegible], et al	"	D	396
August Bilansky, et al	"	D	395
John M. Dawson, et al	"	D	402
Katie Neeley	"	D	402
John Dawson, et al	"	D	378
Thomas P. Dawson, et al	"	D	380
Orle M. Dawson, et al	"	D	550
Robert Pierce, et al	"	D	408
William Pierce,	"	D	409
Charles M. Pierce,	"	D	431
Ona Grey, et al	"	D	471
Effie Pierce,	"	D	472
John G. Boyle, et al	"	D	479
Joseph H. Dawson, et al	"	D	384
Filmore Darnell,	"	D	475
Charles M. Moore, et al	"	D	518
James R. Dawson, et al	"	D	526
Henry A. Blackburn, et al	"	D	852
Elbert L. Blackburn, et al	"	D	873
James R. Blackburn, et al	"	D	834
Martin L. Patterson, et al	"	D	435
William C. Dawson, et al	"	D	804
Robert L. Dawson,	"	D	805
Elbert B. Dawson, et al	"	D	808
Richard T. Dawson, et al	"	D	817
Effie L. Brickhouse, et al	"	D	826
Francis M. Dawson,	"	D	827
Sarah J. Dawson,	"	D	609
John W. Graham, et al	"	D	23
Gideon Graham, et al	"	D	35
Mather A. [illegible], et al	"	D	936
Charles T. [illegible], et al	"	D	1124
Joe E. Graham, et al	"	D	1125
John F. [illegible], et al	"	D	1126
Joe Williams	"	D	1127
James M. [illegible], et al	"	D	1128
Green F. [illegible], et al	"	D	393
James M. [illegible], et al	"	D	476
Tommie A. Jackson,	"	D	808
Lizzie Jackson, et al	"	D	830
William G. Lewis, et al	"	D	847
James Love, et al	"	D	839
Millie F. Dawson,	"	D	406

Tommie Woolley, et al.,	Cherokee	D	406
Henry T. Richardson, et al.,	"	D	719
Ruth Brewer,	"	D	14
Mildred A. Dawson,	"	D	13
Alonzo M. Fishmore, et ux.,	"	D	443
Hiram P. Keetle, et al.,	"	D	321
William B. Beadle,	"	D	322
Florence Mooney, et al.,	"	D	731
John F. Wilmoth,	"	D	448
George A. Mabry, et al.,	"	D	670

D E C I S I O N.

It appears from the record herein that applications were made to this Commission at the times and places hereinafter mentioned for the enrollment of the following named persons as citizens of the Cherokee Nation:

D 324 By Francis M. Dawson, son of Robert Dawson, at Vinita, Indian Territory, on September 17, 1900, for the enrollment of himself and his minor children, Lula, Ray, Jessie J., Jacob L., Hugh A. and Laura A. Dawson as citizens by blood, and for the enrollment of his wife Katie Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 20, 1902.

D 580 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 1, 1902.

D 581 By Fillian R. Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his wife, Fannie Dawson as citizens by blood. Fannie Dawson has been differently classified and is not embraced in this decision.

D 584 By Andrew C. Atkins, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Lizzie Atkins and his minor children, Arthur, Edna E., Edward C. and George J. F. Atkins as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 10, 1902.

D 588 By Francis M. Dawson, Jr., son of Francis M. Dawson and grandson of Robert Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood.

D 335 By Francis M. Dawson, Sr., at Chelsea, Indian Territory, on November 30, 1900, for the enrollment of his daughter Arizona Allred and his grand-son William C. Allred as citizens by blood.

D 350 By Samuel R. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his two minor children August and Kate Dawson, as citizens by blood, and for the enrollment of his wife Catharine Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 3, 1902.

D 352 By Robert Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by blood.

D 358 By Albert H. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his minor children Ralph H., Alford and Cecil Dawson as citizens by blood, and for the enrollment of his wife Sarah F. Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 3, 1902.

D 365 By August Bulawsky, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for his wife Josephine, and his minor children Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.

D 482 By John W. Dawson, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Nannie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 402 By Charles J. Newman, for the enrollment of his wife Katie Newman as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, 1902.

D 578 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his minor children Robert B., Iola M., Lemuel R., Rosa B., Charles B., Hattie J., Jennings B. and James U. Dawson as citizens by blood, and for his wife Sarah J. Dawson as a citizen by intermarriage. On November 20, 1901, an affidavit was filed for Vergal C. Dawson, a ninth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 20, 1902.

D 360 By Thomas P. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his minor child Marlee J. Dawson as citizens by blood.

D 530 By Orle H. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his minor child, Burr R. Dawson as citizens by blood. On October 31, 1902, a birth affidavit was filed for [illegible] Dawson, a second child of the applicant.

D 403 By [illegible]

24, 1900, for the enrollment of himself and his minor child Myrtle as citizens by blood, and for the enrollment of his wife Mollie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2, 1902. On January 8, 1902, an affidavit was filed showing the birth of Arthur Pierce, a second child of the applicant.

D 409 By William Pierce, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D 431 By Charles T. Pierce, at Vinita, Indian Territory, on September 28, 1900, for the enrollment of himself as a citizen by blood.

D 471
D 472 By John B. Gray, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Oma Gray, his minor child, Cecil Gray, and his sister-in-law, Effie Pierce (now Effie Akins), as citizens by blood. John B. Gray is differently classified and is not embraced in this decision. Further proceedings were had in the matter of this application at Vinita, Indian Territory, on October 4, 1900, and at Muskogee, Indian Territory, on July 21, 1902. On February 18, 1903, an affidavit was filed showing the birth of Velton Gray, a second child of the applicant.

D 479 By John S. Bogle, at Vinita, Indian Territory, on October 2, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nancy J., and his minor children, James E., Edna E., John H., Marvin R. and Claud Bogle as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902. On October 31, 1902, a birth affidavit was filed for Nancy Edith Bogle, born since the date of this application.

D 364 By Joseph R. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his five minor children, Clarence E., Council J., Elmer A., Cleo, and Rufus T. Dawson, as citizens by blood, and for the enrollment of his wife, Florence Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 19, 1901, and at Muskogee, Indian Territory, on October 3, 1902. On October 19, 1901 an affidavit was filed showing the birth of Edgar Dawson, a sixth child of the applicant.

D 475 By Wilborn Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by blood.

D 518 By Charles T. Moore, at Vinita, Indian Territory, on October 4, 1900, for his enrollment as a citizen by intermarriage, and for the enrollment of his wife, Mollie, and his five minor children, Mark, Walter, Clara, Ora and James W. Moore as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 10, 1902, and on March 17, 1902, an affidavit was filed showing the birth of Edna L. a sixth child of the applicant.

D 826 By James E. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his three minor children, Vinnie D., Erudne C. and Erwin C. Dawson as citizens by blood, and for the enrollment of his wife, Martha A. Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 5, 1900, and at Muskogee, Indian Territory, on October 3, 1902, and on September 13, 1901, an affidavit was filed showing the birth of Ancil F. Dawson, a fourth child of the applicant.

D 832 By Henry K. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his minor child, Vinnie C., as citizens by blood, and for the enrollment of his wife, Birdie J. as a citizen by intermarriage. Birdie J. Blasingame is differently classified and is not embraced in this decision.

D 833 By Elbert L. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his three minor children Ellis W., Earl D. and Alexander Blasingame, Jr., as citizens by blood, and for the enrollment of his wife Ida, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 6, 1902. On October 31, 1902, a birth affidavit was filed for Elmer H., born since the date of this application.

D 834 By James R. Blasingame, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his two minor children, William A. and George L. Blasingame as citizens by blood, and for the enrollment of his wife, Mary A. Blasingame as a citizen by intermarriage. On February 28, 1901, an affidavit was filed showing the birth of Grace D. Blasingame, a third child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.

D 435 By Martin L. Patterson, at Vinita, Indian Territory, on September 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Zona, and his five minor children, Sarah A., Martha A., Claud A., Edgar D. and Thomas M. Patterson, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 4, 1902, and on October 23, 1901, an affidavit was filed showing the birth of Virgil V., sixth child of the applicant.

D 604 By William C. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Alice as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 3, and October 10, 1902.

D 605 By Robert L. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood.

D 606 By Elbert B. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood. On July 8, 1901, an affidavit was filed showing the birth of Ralph E. Dawson a child of the applicant.

D 609 By Sarah J. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 16, 1902.

D 617 By Richard M. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself and his minor child Ina E. as citizens by blood, and for the enrollment of his wife, Luella as a citizen by intermarriage. Luella Dawson is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, 1902.

D 626 By Ella L. Spickerman, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of herself and her minor child, Helen K. Spickerman, as citizens by blood, and for the enrollment of her husband, John J. Spickerman as a citizen by intermarriage. John J. Spickerman is differently classified and is not embraced in this decision. On March 8, 1903, an affidavit was filed for William Glenn Spickerman, a second child of the applicant.

D 627 By Francis M. Dawson, son of Elbert Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself as a citizen by blood.

D 23 By John W. Graham, at Fairland, Indian Territory, on July 12, 1901, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Missouri and his minor children Tenna V. and Robert S. Graham, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2, 1902.

D 35 By Gideon Graham, at Westville, Indian Territory, on July 16, 1900, for the enrollment of himself and his minor children, John W., Julius E., Francis W., Mary E., Jesse E., Gracie L. and Florence M. Graham as citizens by blood, and for the enrollment of his wife Elizabeth Graham, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902.

D 836 By Mathew A. Painter, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverna A. and his five minor children Ada R., Eva P., John W., Ray D., and Roberta A. Painter, as citizens by blood. On December 7, 1900, an affidavit was filed for Roy V. Painter, a sixth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2 and 3, 1902.

D1124 By Charles T. Bradshaw, at Muskogee, Indian Territory, on February 25, 1901, for the enrollment of himself as a citizen by intermarriage, and for his wife Florence P. and his minor children, Myrtle and Claude Bradshaw as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 30, 1902.

D1125 By Joe E. Graham, at Muskogee, Indian Territory, on Febru-

ary 23, 1901, for the enrollment of himself and his minor child William C. as citizens by blood.

D1126 By John F. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor child Edna M. as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902. On October 31, 1902, a birth affidavit was filed for Robert Lee Graham, a second child of the applicant.

D1127 By James Neal, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of his wife, Joe Willie Neal, as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D1128 By James M. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor children, Marion, Maggie, Luther, Liddie and Margaret Graham as citizens by blood, and for the enrollment of his wife Bessie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902. On October 27, 1902, a birth affidavit was filed for Floyd Graham, born since the date of this application.

D 395 By Green W. Jackson, at Vinita, Indian Territory, on September 22, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Ella Jackson as a citizen by blood.

D 476 By James M. Harmon, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Flora and his minor children, Lillie R., Claud, Dwight, and William D. Harmon, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902.

D 508 By Toshie A. Jackson, at Vinita, Indian Territory, on October 3, 1900, for his enrollment, among others, as a citizen by blood. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 7, 1900.

D 830 By Lizzie Jackson, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children Osie, Lizzie, Jessie, Ray and Clyde Jackson as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 847 By William C. Lenox, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Fannie and his minor children Birtie E. and Myrtle Lenox as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 939 By James Lowe, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his minor children, May, Zelma, Roberta and Rosa Lowe as citizens by blood.

D 405 By Millie T. Dawson, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 13, 1902.

D 406 By Texanna Woolley, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself and her minor child Irene W. Woolley as citizens by blood. On March 27, 1902, an affidavit was filed showing the birth of Wilburn E. Woolley, a second child of the applicant.

D 715 By Henry T. Richardson, at Claremore, Indian Territory, on October 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Kitty, his minor children Bessie F. and Willis T. Richardson and his stepchildren, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flournoy as citizens by blood. Florence Flournoy is deprecated in another application herein as Florence Morgan (D - 737). Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902, and on August 20, 1902, a birth affidavit was filed for Jasper G. Richardson, born to Henry T. Richardson and his wife, Kittie, since the date of this application.

R 12 By Etta Brauer, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by blood.

R 13 By Melissa A. Dawson, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by intermarriage.
Further proceedings in the matter of said application were had at Vinita, Indian Territory on October 4, 1900, and at Muskogee, Indian Territory, on October 14, 1902.

D 621 By Lula Pearl Weddle, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of herself and her minor children Curtis and Morris O. Weddle as citizens by blood, and for the enrollment of her husband, Hiram F. Weddle as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 14, 1902. October 31, 1903, a birth affidavit was filed showing the birth of Roy Weddle, a third child of the applicant.

D 622 By William D. Douthitt, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself as a citizen by blood.

D 547 By Alonzo M. Fishback, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Laverna A. Fishback and his minor children William A. and Annie B. Fishback as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 8, 1902.

D 737 By Elbert L. Morgan, at Claremore, Indian Territory, on October 29, 1901, for the enrollment of his wife Florence and his minor child Clista as citizens by blood. On April 30, 1902, an affidavit was filed showing the birth of Alice A. Morgan, a second child of the applicant.

D 948 By John B. Fishback, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by blood.

D 979 By George A. Mabry, at Tahlequah, Indian Territory, on December 14, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Anna, and his minor children Roby and Charley Mabry as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, January 15, 1901, and March 17, and October 15, 1902.

Proceedings were had in the matter of F. M. Dawson, et al., before Lewis F. Martin, a Notary Public on October 4, 1900, and further proceedings were had therein before the Commission at Muskogee, Indian Territory on March 17, 1902. All of these proceedings have been made a part of the record herein.

The evidence, and an examination of the records of the Cherokee Nation, in the possession of this Commission show that on January 11, 1883, one Robert Dawson and his adult children, F. M. Dawson, Elbert Dawson, Jasper Dawson, Mollie Dawson, Wilborn Dawson, James Dawson, Rial Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson and John Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship, commonly known as the "Teehee Court", and that on September 9, 1884, one James Dawson, a brother of the Robert Dawson aforesaid, together with his adult children, Ella Dawson, W. A. Dawson, Malvina Dawson and Missouri Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship commonly known as the "Spears Court." In addition to their tribal enrollment as shown by the evidence herein, it also appears from an examination of the Cherokee tribal rolls, in the possession of this Commission, that F. M. Dawson is identified on the Cherokee pay rolls of 1883 and 1894, Elbert Dawson on the Cherokee pay roll of 1886, Mollie Dawson on the pay roll of 1883, Wilborn Dawson on the pay rolls of 1886 and 1894, James Dawson on the pay rolls of 1883 and 1894, Rial Dawson on the pay rolls of 1886 and 1894, Josephine Dawson on the pay roll of 1886, Jane Dawson on the pay roll of 1883, Joseph Dawson and John Dawson on the pay rolls of 1883, 1886 and 1894, Ella Dawson and W.A.

Dawson on the pay roll of 1896, and Missouri Dawson on the pay roll of 1894.

A majority of the above named persons, together with the descendants of the persons admitted as aforesaid and such white persons as may have intermarried with the said Dawsons or their descendants are the applicants herein.

For convenience, the applications are divided into groups:

Group 1, includes the applications of Francis M. Dawson and those claiming through him and embraces cases numbered D 324, D 580, D 581, D 584, D 588 and D 835.

The evidence shows that Francis M. Dawson is the same person admitted to citizenship as hereinbefore stated under the name of F.M. Dawson. Katie Dawson, his wife, was married to him on November 21, 1880. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married, and the six children included in the application of said Francis M. Dawson, and hereinbefore named are the issue of the marriage aforesaid. All the applicants herein are identified on the Cherokee Census roll of 1896.

John Dawson, William R. Dawson, Lizzie Atkins, formerly Dawson, Francis M. Dawson, Jr., and Arizona Allred are the children of said Francis M. Dawson by a former wife, Julia Ann. They were minors at the date of their father's admission to citizenship. John Dawson, Lizzie Atkins and Francis M. Dawson, Jr., are identified on the Strip payment roll of 1894, and William R. Dawson and Arizona Allred are identified on the Cherokee Census roll of 1896.

Andrew C. Atkins was married under a Cherokee intermarriage license

and in accordance with the laws of the Cherokee Nation on March 22, 1891, to the above named Lizzie Dawson. He has resided in the Cherokee Nation with his said wife since they were married, and the four children included in his application, and hereinbefore named are the issue of that marriage. The eldest child, Arthur, is identified on the Cherokee pay roll of 1894, and the three younger children are identified by birth affidavits on file with this Commission.

Arizona Allred, nee Dawson, came from Arkansas to the Cherokee Nation for the first time in 1894, remained there about two years and then returned to Arkansas, where she was married to Lan Allred. Such marriage was not in accordance with the laws of the Cherokee Nation. Arizona Allred and her husband came to the Cherokee Nation in 1896, stayed there a month and returned to Arkansas where they remained until September, 1898, at which time they came to the Cherokee Nation, remained there about a year and returned to Arkansas in 1899, where they were living at the date of this application. William C. Allred is the child of said Arizona Allred and possesses no rights not acquired by his mother. He is identified on the Cherokee Census roll of 1896.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides:

> "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The evidence further shows that Francis M. Dawson, his wife, Katie and William R. Dawson, Francis M. Dawson, Jr., and Lizzie Atkins have resided in the Cherokee Nation since 1883, and Andrew C. Atkins, the husband of said Lizzie Atkins, since 1891, and that John Dawson has resided in the Cherokee Nation for at least fourteen years prior to the date of his application. The residence of the minor children of the above named persons is considered to be that of their parents, with whom they are living.

Group II, includes the applications of Samuel R. Dawson, together with those claiming through him and embraces cases numbered D 350, D 352, D 350, D 395, D 482 and D 402.

The evidence shows that Samuel R. Dawson is identified as the Rial Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. His wife, Catherine, a white woman, was married to him on July 11, 1868. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since their marriage, and August and Mate Dawson are the issue of the aforesaid marriage. Samuel R. Dawson, his wife and children are identified on the Cherokee Census roll of 1896.

Robert Dawson, Albert H. Dawson, Josephine Bulawsky, formerly Josephine Dawson, John W. Dawson, and Katie Newman, formerly Katie Dawson are the children of said Samuel R. Dawson. They were minors at the date of their father's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Sarah F. Dawson, nee Abbott, was married to the said Albert H. Dawson in October, 1894. She has lived with her said husband, since they were married. Ralph H., Alford and Cecil Dawson are the issue of that marriage. Sarah F. Dawson and her child Ralph H. are identified on the Cherokee Census roll of 1896. Alford is identified by a birth affidavit on file with this Commission. The evidence further shows that the youngest child, Cecil Dawson, is dead.

August Bulawsky, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 25, 1893, to the said Josephine Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. The

four older children are identified on the Cherokee Census roll of 1896, and the Strip Payment roll of 1894. May Bulawsky is identified on the Cherokee Census roll of 1896, and Oscar Bulawsky is identified by a birth affidavit on file with this Commission.

Mannie Dawson, nee Baugher, was married to the said John W. Dawson on September 8, 1894, and she has lived with her said husband since they were married.

The evidence further shows that Samuel R. Dawson, his wife, Catherine, and Robert Dawson, Albert H. Dawson, John W. Dawson, and Katie Newman have resided in the Cherokee Nation since 1886, August Bulawsky and his wife Josephine, since 1892, and Sarah F. and Mannie Dawson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group III, includes the application of John Dawson, and those claiming through him and embraces cases numbered D 578, D 360 and D 530. The evidence shows that John Dawson is the same person admitted to citizenship in the Cherokee Nation as hereinbefore stated. Sarah J. Dawson, nee Wood, his wife, a white woman, was married to him on October 4, 1871. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married and the nine children included in the application of said John Dawson, and hereinbefore named, are the issue of said marriage. John Dawson, his wife, and his seven older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Thomas F. Dawson and Orle H. Dawson are the children of said John Dawson. They were minors at the date of their father's admission to citizenship, and they are both identified on the Cherokee

Census roll of 1896.

Thomas P. Dawson was married on April 24, 1898, to Allen A. Allison, and Marion J. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Orie H. Dawson was married on December 28, 1899, to Willie York, and Mary E. and James W. Dawson are the issue of that marriage. The said children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John Dawson and his wife, Sarah J., have resided together in the Cherokee Nation since 1883; that said Orie H. Dawson has resided in the Cherokee Nation since 1883, and that Thomas P. Dawson has resided in the Cherokee Nation since 1888. The residence of the minor children herein is considered to be that of their parents, with whom they are living.

Group IV, includes the applications of those claiming through the said Josephine Dawson, now deceased. At the time of her admission she was the wife of one Thomas Pierce, but was admitted to citizenship under maiden name of Dawson. The group embraces cases numbered D 408, D 409, D 431, D 471, D 472 and D 479.

The evidence shows that Robert Pierce, William Pierce, Charles E. Pierce, Oma Gray, formerly Oma Pierce, Effie Pierce (now Effie Akin) and Nancy J. Bogle, formerly Nancy J. Pierce are the children of said Josephine Dawson. They were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Nellie Pierce, a white woman, was married to said Robert Pierce on July 15, 1894. She has lived with her said husband since they were married, and Lyrtle and Arthur Pierce are the issue of that marriage. Nellie Pierce is identified on the Cherokee Census roll of 1896, and her two children are identified by birth affidavits on file with this Commission.

Ora Gray was married to John B. Gray on April 7, 1898, and Cecil and Walton Gray are the issue of that marriage. Ora Gray is identified on the Strip Payment roll of 1894 and her children are identified by birth affidavits on file with this Commission.

John S. Bogle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 6, 1894, to the above named Nancy J. Pierce. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. John S. Bogle and his two older children are identified on the Cherokee Census roll of 1896, and his four younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said William Pierce died in January, 1902.

It further appears that Robert Pierce, Charles E. Pierce, Nancy J. Bogle and Ora Gray have resided in the Cherokee Nation since 1884; that John S. Bogle, husband of Nancy J. Bogle, and Nellie Pierce, wife of Robert Pierce, have resided in said Nation ever since they were married, and the residence of the minor children herein is considered to be that of their parents with whom they are living. It appears that Effie Akins was seventeen years old at the date of the application for her enrollment, and it further appears that she resided in the Cherokee Nation from about 1886 up to December, 1900, when she went to Colorado, was married there to Will Akins, and is now living in that state with her said husband.

Group V, includes the application of the said Joseph Dawson, Wilborn Dawson and James Dawson, and embraces cases numbered D 364, D 475 and D 526.

Joseph R. Dawson is identified as the Joseph Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. He was married to Florence Jackson on May 16, 1886, and they have lived to-

gether since the date of their marriage. The said Florence Jackson is the daughter of Ella Dawson, but she was of age at the date of her mother's admission to citizenship. The six children included in the application of said Joseph R. Dawson, and hereinbefore named, are the issue of the marriage between the said Joseph R. Dawson and Florence Jackson. The applicant, his said wife and his four older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Wilborn Dawson is identified as the person of that name admitted to citizenship in the Cherokee Nation as hereinbefore stated. He is identified on the Cherokee Census roll of 1896.

James R. Dawson is identified as the James Dawson admitted to citizenship in the Cherokee Nation as heretofore stated. His wife, Martha A. Dawson was married to him on February 20, 1890. She has lived with her said husband since the date of their marriage, and the four children included in the application of said James R. Dawson, and hereinbefore named, are the issue of said marriage. The applicant, his said wife and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

The evidence further shows that Joseph R. Dawson has resided in the Cherokee Nation since 1883; that Florence Dawson and Wilborn Dawson have resided in said Nation since 1886, and that James R. Dawson has resided in said Nation since 1883, excepting a temporary absence from 1889 to 1891. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VI, includes the application of Mollie Dawson and those claiming through her and embraces case numbered D 518.

The evidence shows that Mollie Moore, formerly Dawson, is identified as the Mollie Dawson admitted to citizenship in the Cherokee

Nation as hereinbefore stated. Her husband, Charles T. Moore, was married to her under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on January 17, 1887. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of said marriage. Charles T. Moore, his wife Mollie, and his four older children are identified on the Cherokee Census roll of 1896; the two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that said Charles T. Moore, his wife Mollie and his oldest child have resided in the Cherokee Nation since 1883; the younger children have resided in said nation all their lives.

Group VII, includes the applications of those claiming through the above named Jane Dawson, who, at the time of her admission to citizenship in the Cherokee Nation, as hereinbefore stated, was the wife of one Alexander Blasingame, but she was admitted under her maiden name of Dawson. Jane Dawson is a resident of Arkansas, and is not an applicant for enrollment. This group embraces cases numbered D 832, D 833 and D 834.

The evidence shows that Henry A. Blasingame, Elbert L. Blasingame, and James R. Blasingame are the children of said Jane Dawson. They were minors at the time of their mother's admission to citizenship and they are all identified on the Cherokee Census roll of 1896.

Henry A. Blasingame was married to his wife Birdie J., on December 6, 1896, and Vinnie C. Blasingame is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Ida Blasingame, a white woman, was married to the said Elbert L. Blasingame on September 5, 1894. She has lived with her said husband ever since they were married and the four minor children included in the application of said Elbert L. Blasingame are the

issue of that marriage. The said Ida Blasingame and her two older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Mary A. Blasingame was married to the said James R. Blasingame on August 11, 1895. She has lived with her said husband since they were married and the three minor children included in the application of said James R. Blasingame, and hereinbefore named, are the issue of that marriage. Mary A. Blasingame and her oldest child are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said Henry A. Blasingame, Elbert L. Blasingame and James R. Blasingame removed to the Cherokee Nation in 1897 and have resided therein with their said wives ever since. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VIII, includes the applications of those claiming through the said Elbert Dawson, and embraces cases numbered D 435, D 604, D 608, D 605, D 609, D 617, D 626 and D 627.

The evidence shows that Zona Patterson, formerly Dawson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Richard W. Dawson, Ella L. Spickerman, formerly Dawson, and Francis M. Dawson are the children of the said Elbert Dawson. All of them, excepting the said Francis M. Dawson, were minors at the time of their father's admission to citizenship. Zona Patterson is identified on the Cherokee Census roll of 1896, and William C. Dawson, Robert L. Dawson, Elbert B. Dawson and Richard W. Dawson are identified on the Strip payment roll of 1894. An examination of the Cherokee tribal rolls, in the possession of this Commission, shows that the said Ella L. Spickerman is also identified on the Strip payment roll of 1894.

Martin L. Patterson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 13, 1890, to the said Cora Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. Martin L. Patterson and his three older children are identified on the Cherokee Census roll of 1896, and his three younger children are identified by birth affidavits on file with this Commission.

Alice Dawson, nee Alexander, was married to the said William C. Dawson on November 18, 1886. She has lived with her said husband ever since they were married.

Elbert B. Dawson was married on February 16, 1898, to Cora Bright, a non-citizen, and his child Ralph E. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Sarah J. Dawson, nee Jones, was married to the above named Elbert Dawson about 1854, and lived with him as his wife until his death in February, 1899, and has not re-married since his death. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

Richard W. Dawson was married to Luella Mason, a white woman, on January 24, 1898. His child Ina E. Dawson is the issue of that marriage, and she is identified by a birth affidavit on file with this Commission.

Ella L. Spickerman was married to John J. Spickerman, a white man on September 7, 1897. Her children Hellen J. and William Glenn are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

It further appears from the evidence that Francis M. Dawson, son of Elbert Dawson, at the time of his father's admission to citizen-

this in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1898 (29 Stats., 321), Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), Provides for the enrollment of,

> "all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1883; Alice Dawson since 1836, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson, This group embraces cases numbered D 33, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1888, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1866, and has lived with her since that time. Tempa V. and Robert S. Graham are the issue of the aforesaid marriage. John W. Graham, his wife and two children are identified on the Cherokee Census roll of 1896.

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321). Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats. 495). provides for the enrollment of,

> "all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert D. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1885; Alice Dawson since 1886, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered, D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1886, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1886, and has lived with her since that time. Tempe V. and Robert S. Graham are the issue of the aforesaid marriage. John W. Graham, his wife and two children are identified on the Cherokee Census roll of 1896.

Joe F. Graham was married to Mary Bradshaw, a non-citizen on January 6, 1898. William C. Graham is the issue of that marriage, and he is identified by a birth affidavit on file with this Commission.

John F. Graham was married on February 11, 1900, to Mattie Lawson, a non-citizen, and Edna M. and Robert Lee are the issue of that marriage. Said children are identified by birth affidavits on file with this Commission.

Bessie Graham was married on November 2, 1892, to the said James M. Graham. She has lived with him since the date of their marriage, and the six children included in the application of said James M. Graham, and hereinbefore named, are the issue of the said marriage. The oldest child Marion is identified on the Strip payment roll of 1894, and the five younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John W. Graham, his wife Missouri Graham, Gideon Graham, Mathew A. Painter, and his wife Laverna A. Painter, Florence P. Bradshaw, John F. Graham and Joe Willie Neal have resided in the Cherokee Nation since 1888, and that Joe F. Graham and James M. Graham have resided in the Cherokee Nation since 1884. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group X, includes the application of the said Ella Dawson and those claiming through her. The said Ella Dawson, at the time of her admission to citizenship, was the wife of Green W. Jackson, but she was admitted to citizenship under her maiden name of Dawson. This group embraces cases numbered D 395, D 476, D 508, D 830 and D 847.

The evidence shows that Green W. Jackson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on March 24, 1887 to the said Ella Dawson. He had been previously married to her in Texas prior to her admission to

citizenship. From an affidavit made a part of this record it appears that Green W. Jackson died subsequent to the date of this application, and prior to September 1, 1902.

The evidence further shows that Flora Harmon, formerly Jackson, Tsahio A. Jackson, William Jackson and Fannie Lonex, formerly Jackson are the children of said Ella Dawson, now Ella Jackson. Flora Harmon, Tsahio A. Jackson and Fannie Lonex were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

James H. Harmon was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 24, 1887, to the said Flora Jackson. He has lived with his wife since the date of their marriage, and the four minor children included in his application, and hereinbefore named, are the issue of the said marriage. James H. Harmon and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

William C. Lonex was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 1, 1888, to the said Fannie Jackson. He has lived with his wife since the date of their marriage, and the two children Birtie E. and Myrtle Lonex, included in his application, are the issue of the said marriage. William C. Lonex and his two children are identified on the Cherokee Census roll of 1896.

Lizzie Jackson claims to have been married in 1888 to the said William Jackson, who is now deceased. It appears that William Jackson at the date of his mother's admission to citizenship, was over twenty-one years old. There is no evidence that the said William Jackson was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission

to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Lizzie Jackson and the five minor children included in her application, and hereinbefore named, are identified on the Cherokee Census roll of 1896, and they take only such rights as may have been possessed by the said William Jackson. The authority of the Commission herein is defined in Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

The evidence further shows that the said Ella Jackson, the said Flora Harmon and the said Toskie A. Jackson have resided in the Cherokee Nation since 1884, and that William C. Lenox, and his wife Fannie Lenox have resided in the Cherokee Nation since 1888. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XI, includes the applications of those claiming through Malvina Dawson and embraces case numbered D 839.

The evidence shows that James Lowe is the son of the said Malvina Dawson, and that at the time of her admission to citizenship the said James Lowe was over 21 years old. There is no evidence that the said James Lowe was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). It further appears that the said James Lowe was married on June 12, 1887, to Mollie Knight, a white woman, and the four minor children included in his application and hereinbefore named, are the issue of that marriage. James Lowe and his said children are identified on the Cherokee Census roll of 1896 and said children take only the rights which may have been acquired by their father.

The authority of the Commission herein is defined in Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

Group XII, includes the applications of those claiming through the said W. A. Dawson and embraces cases numbered D 405, D 406, D 715, R 12 and R 13.

The evidence shows that Millie T. Dawson was married to the said W. A. Dawson in 1892 and lived with him as his wife in the Cherokee Nation until his death in 1899, and that she has not re-married since his death. Texanna Woolley is the daughter of said W. A. Dawson and his former wife Melissa A. Dawson. Texanna Woolley was a minor at the date of her father's admission to citizenship, and she is identified on the Strip payment roll of 1894. She was married on March 27, 1898, to James Woolley, and her children Irene V. and Wilburn R. are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

Henry T. Richardson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 11, 1886, to one Sellar Dawson, who was the daughter of the said W. A. Dawson by his first wife Melissa A. Sellar Dawson was a minor at the date of her father's admission to citizenship. Henry T. Richardson lived in the Cherokee Nation with his said wife Sellar from the date of their marriage until her death in 1892. On September 22, 1898, Henry T. Richardson married one Kitty Flournoy nee Dawson. The said Kitty Flournoy was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Of the children herein applied for, Delia F. Richardson is the child of the applicant by his first wife, Sellar. Finis T. Richardson and Jasper C. Richardson are children by his wife Kitty. Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy are the children of his said wife Kitty by a former husband.

The six older children were admitted to citizenship in the Cherokee Nation on December 1, 1894, with their mother as the members of her family. The youngest child Rosa Flournoy was born in 1896 and was living at the date of this application. Delia F. Richardson is identified on the Cherokee Census roll of 1896; and Finis T. and Jasper C. Richardson are identified by birth affidavits on file with this Commission.

Etta Brauer is the daughter of said W. A. Dawson; and was a minor at the date of her father's admission. She was married in 1892 to a non-citizen but such marriage was not in accordance with Cherokee laws. She is identified on the Cherokee Census roll of 1896.

Melissa A. Dawson was married to the said W. A. Dawson in the State of Texas on September 28, 1873. The Supreme Court of the Cherokee Nation in the case of Melissa A. Dawson vs. W. A. Dawson, decided that Melissa A. Dawson, the applicant herein was a citizen of the Cherokee Nation by virtue of intermarriage with her said husband, W. A. Dawson. She is identified on the Cherokee Census roll of 1896, and she has not re-married since her divorce from said W. A. Dawson.

The evidence shows that Texanna Woolley has resided in the Cherokee Nation since 1884; that Etta Brauer and Melissa A. Dawson have resided in the Cherokee Nation, with the exception of temporary absences, since 1884; that Millie T. Dawson has resided in the Cherokee Nation since 1892; that Henry T. Richardson has resided in the Cherokee Nation since 1886, and that Kitty Richardson, his wife, has resided in the Cherokee Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XIII, includes the following applications: Hiram D. Wells, et al D 521; William D. Douthitt, D 522; Alonzo M. Fishback, D 843; Florence Morgan, et al D 737; John E. Fishback, D 845 and George E. Embry, et al D 979. The persons enrolled in these appli-

cations are related to the above named Dawsons. They are not claiming the right to enrollment by virtue of such relationship, but rely upon a separate adjudication of their rights.

The evidence shows that Hiram F. Weddle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on September 13, 1884, to Lula P. Douthitt, who was admitted to citizenship in the Cherokee Nation by the said "Spears Court" on September 13, 1884. Curtis, Morris O. and Roy Weddle are the issue of the said marriage. Hiram F. Weddle and his said wife are identified on the Cherokee Census roll of 1896, and their three children are identified by birth affidavits on file with this Commission.

William D. Douthitt is the brother of said Lula P. Weddle, and was admitted to citizenship in the Cherokee Nation with his said sister on September 13, 1884. He is identified on the Cherokee Census roll of 1896.

Alonzo M. Fishback was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 17, 1891, to Lavinna A. Dawson. He had been previously married to the same wife in Texas in 1877, and has lived with her ever since. It appears that Lavinna Fishback was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. William A. and Annie B. Fishback are the issue of the said marriage. Alonzo M. Fishback and his said wife and children are all identified on the Cherokee Census roll of 1896, and his wife is also identified on the Cherokee pay roll of 1890.

Florence Morgan, the wife of Elbert L. Morgan, is the daughter of the Kitty Richardson heretofore mentioned and was admitted to citizenship in the Cherokee Nation on December 1, 1894 with the said Kitty Richardson as a member of her family. Clide and Alice A. Morgan are her children by her said husband. The said children are

identified by birth affidavits on file with this Commission.

John E. Fishback is the son of Laverna Fishback, who was re-admitted to citizenship on December 1, 1894, as heretofore stated. He was a minor at the date of his mother's admission to citizenship and he is identified on the Cherokee Census roll of 1896.

George A. Mabry was married to one Edna Dawson in the State of Arkansas in 1884. He claims to have been married under a Cherokee marriage license to his said wife in 1889, but he presents no satisfactory proof of such marriage. Edna Dawson was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Roby and Charley Mabry are her children by her said husband, George A. Mabry. Edna Mabry is identified on the strip payment roll of 1894, and the two children were minors at the date of their mother's admission to citizenship.

The evidence further shows that Alonzo M. Fishback and his wife Laverna A. Fishback have resided in the Cherokee Nation since 1883; that Lula P. Weddle, William D. Douthitt, and John E. Fishback have resided in the Cherokee Nation since 1884, and that Florence Morgan and Edna Mabry have resided in said Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

All birth affidavits for the minor children embraced in this decision, and hereinbefore noted, are made a part of this record.

It is contended by the Cherokee Nation that the applicants herein are not entitled to be enrolled by this Commission because they have never been lawfully admitted or enrolled by the Cherokee authorities, and that the judgment of the Cherokee Commission on Citizenship admitting Robert Dawson and his family was obtained by fraud on the part of said Dawson.

In considering the question at issue, it is the opinion of this Commission that it has no power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and were passed upon by that Commission. In United States vs. Throckmorton, 98 U.S. Page 61, it is stated, "the doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment assailed." Only such facts therefore, are considered by this Commission, as were not part of the record in the Robert Dawson case before the Teehee Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Teehee Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment.

Briefly stated, the circumstances attending the admission of the Dawsons appear to be as follows:

On September 24, 1881, an application was made to the Cherokee Commission on Citizenship known as the "Teehee Court" for admission to Cherokee citizenship of Robert Dawson and the members of his family above mentioned. The members of that Commission were Thomas Teehee, Alex Wolfe and T. F. Thompson. The first two were full blood Cherokee Indians; they could understand, but could not talk English. Le D. W. C. Duncan was the Clerk of the Commission. The Dawson case was continued several times before final decision. J. M. Bryan appears to have been an attorney in the case, and after some delay he notified Francis M. Dawson that the case would be taken up by the Commission at its session in January, 1883, and also informed him that C.H.Taylor would look after Dawson's interests as he, Bryan,

would be in Washington. On receipt of this notice Francis M. Dawson went to Fort Gibson, Cherokee Nation, and made arrangements with his uncle Samuel H. Benge to go to Tahlequah and conduct the case. Benge who is a witness herein testifies that he was connected with the Dawson case when it was commenced in 1881; that it was continued several times for want of evidence, and that in January, 1883, in company with F. M. Dawson he went to Tahlequah and while there secured the testimony of Tosh Rogers, a negro, who knew the Dawson's ancestors, and that after getting his evidence the case was submitted to the Commission. He further testifies that the Commission rendered a decision against the Dawsons and that next morning the Commission reopened the case, but not upon motion of the witness, and rendered a judgment admitting the Dawsons to citizenship. He further states that on his way home to Fort Gibson with Dawson he remarked to the latter, "it was a pretty hard blow when they rendered a decision against us," to which Dawson is alleged to have replied, "yes, but Duncan was the man to reach and he reached him with five hundred dollars."

Dawson denies ever having had such a conversation and says that he did not return to Fort Gibson with Benge but went home to Arkansas by a different route.

C. H. Taylor testifies that he was an attorney in the case and was present when the case was decided. He says there were only two Commissioners present, Teehee and Wolfe. He further testifies that D. W. C. Duncan, the Clerk of the Court asked the witness to let him know when any large citizenship cases came up; that he introduced F. M. Dawson to Duncan on the evening of January 10th, heard part of a conversation between them in which Duncan addressing Dawson said, "there is a hitch in your evidence, if that was straightened out it will be all right." Next morning witness says Dawson told him to call up the case, which he did. That there was no additional

evidence introduced and no argument made, and that the case was then decided in favor of the Dawsons. Witness further testifies that Dawson gave him twenty dollars and said he would send him the balance in a short time; that in the course of ten days he sent him one hundred dollars with directions to pay over half of it to Duncan; that Dawson soon afterwards sent him another hundred dollars with the same instruction to give Duncan half of it.

Dawson denied the matters testified to by Taylor excepting in the matter of paying Taylor money, which he admits in part, but says that the twenty dollars mentioned was sent to Taylor about a year after the decision, and that he instructed Taylor to pay it over to Duncan to pay him for a land claim, and that the other money was in payment of J. M. Bryan's attorney fees which Taylor represented to Dawson he had for collection against him. Taylor's reputation for truth and veracity has been impeached by various disinterested witnesses.

The evidence which may be considered as tending to support the charge of fraud is the testimony of S. E. Benge, C. H. Taylor, Thomas . Babcart, J. L. Clinkenbeard, James W. Lewis, C. G. Draught and David Meredith.

S. E. Benge testifies that a judgment adverse to the Dawsons was rendered by the Commission on the evening of one day and without any additional proceedings in the case that judgment was reversed on the morning of the next day.

Even if this were a material fact, there is no other proof that two judgments in the case were ever rendered. The record of the proceedings and judgment in the Commission's docket is all on one page, the entry of the application in 1861 and the first continuance being entered under authority of a former Commission and by a different clerk, and there is no evidence of erasure on that page. It is not an unusual thing for a Court to change its judgment, and this fact, if it is a fact, is not in itself any evidence of fraud.

Thomas B. Dabeart testifies that one James Dawson, a man of forty or fifty years of age, in company with Butler, the Commission's interpreter and Jim Smith, solicitor for the Nation, came to the witness in Tahlequah the evening of January 10, 1883, to borrow some money; that Dawson was vouched for by Butler as a responsible party and that Dawson told the witness that he had to have money that night, that his case was to be submitted the next day if he could get some money, that Smith had agreed to submit the case without evidence, and that witness thereupon let Dawson have ten dollars.

Admitting all this to be true and that the influence of these officials was purchased for the sum of ten dollars, the Commission fails to see how these alleged facts show that the Court was imposed upon or misled. Bribery of officials to use their influence with the Commission would not necessarily vitiate the judgment, but it must appear that the fraud, or corruption reached the members of the Commission and tainted the judgment itself. The case was not submitted without evidence as appears from the record, and it is shown that such evidence was carefully considered by that Commission. Furthermore, the evidence shows that there was no such person then in Tahlequah as the James Dawson described by witness.

Clinkenbeard testifies that he had a talk with Elbert Dawson about 1881; that Dawson told him he had only one witness, Dr. Baker of Arkansas, "an old man 85 or 90 years old who did not know straight up" and that he could give Dr. Baker four drinks of Arkansas whiskey and he would swear black was white. Witness further testifies that Dawson told him that money was what made the mare go in Texas, and that he had found out that it goes here too.

Assuming that this Commission can go into the question of perjury in connection with evidence in that case, the testimony of Clinkenbeard establishes, if anything, only the facts stated, and does not prove that Dr. Baker committed perjury in giving his testi-

mony before the Commission. Further, it is not clear that Dr. Baker was the only witness in the case. Bouge stated that Tosh Rogers was a witness, Duncan is under that impression also, and T. F. Thompson, one of the Commissioners, states that he thinks there were three witnesses. The testimony of Dr. Baker, seems, however, to be the only testimony preserved of record. As to whether Doctor Baker offered perjured testimony by Dawson's procurement, it is proper to state that the evidence of W. H. Curtis and A. S. McClennen, witnesses for applicants, show that Doctor Baker was a man of integrity and was not addicted to drinking.

The testimony of James W. Lewis is to the effect that he had a conversation with F. M. Dawson about 1883, in which Dawson had told the witness that it had cost him seven hundred dollars to get his rights. Draught also testifies that he was an applicant for citizenship about 1881 or 1882, and that while his case was pending he had a talk with F. M. Dawson who told him that if he (the witness) ever got in, it would cost him seven hundred dollars, and that Dawson told him he had paid one witness three hundred dollars, and made arrangements with the Court to get the Dawsons in at one hundred dollars a family. David Meredith testifies that he had a talk with old James Dawson in 1888, and that the latter told the witness it cost him twelve hundred dollars to get his case through.

It can hardly be urged that such evidence is sufficient to show that the members of the Texas Commission were corrupted by the fraudulent use of money. So far as these witnesses have been able to testify the money spent by the Dawsons might have been for proper and legitimate purposes. F. M. Dawson gives a detailed statement of what the case cost him and his brother in a legitimate way. The presumption can not be indulged that such moneys were used for fraudulent purposes and the proof to the contrary must be very clear

before this Commission will deny applicants the right to be enrolled upon that ground.

Admitting the truth of all the testimony in this case as to the actual transfer of money by the Dawsons, it appears that Duncan, Butler and Smith were the only beneficiaries of that money. There is no evidence that the members of the Commission received or were offered any of it.

The judgment entered in the Commission's docket shows the signature of the three members of the Commission appended thereto. There is some conflict as to whether Duncan signed Thompson's name, or whether Thompson affixed his own signature. Duncan testified that all three signatures were made by him as Clerk under authority of the Commissioners present, the two full bloods being unable to sign their names. T. F. Thompson testifies that he signed the original transcript of the judgment, which was made on the day of its rendition. The question, however, is not considered to be very material. The signing of judgments by each Commissioner appears to have been a matter of custom only. T. F. Thompson testifies that he remembers the Dawson case and recognizes the judgment therein as the final judgment of the Commission, and that there was no fraud or corruption in the procurement of that judgment by the Dawsons or by any one else so far as he knew.

Much evidence has been introduced by the Cherokee Nation for the purpose of showing that the ancestor, through whom the Dawsons claim, was not a Cherokee, and that other members of the Dawson family, claiming from the same source, have been denied Cherokee citizenship by subsequent Cherokee tribunals, and also by this Commission and by the United States Court. Such evidence, in the opinion of this Commission, is not competent for any purpose in this proceeding. The only question before this Commission is whether there was

fraud in the procurement of the Robert Dawson judgment, and not whether the applicants are Cherokee Indians, or whether they ought to have been admitted to citizenship upon the proof submitted. These were questions presented, considered and passed upon by the Tookes Commission. If their decision is a valid and regular judgment, it is binding on this Commission. If, on the contrary, the applicants have never been lawfully admitted to citizenship, because the judgment under which they claim is void, for fraud, then the question as to whether they are Cherokees by blood is not material, as this Commission has now no authority to admit them to citizenship.

While it is true, that since 1883, a number of applicants, members of the Dawson family, have been denied admission to citizenship in the Cherokee Nation, no argument derived therefrom is of any force, for it is also true that other members of the same family have been admitted to citizenship, and the action of the Cherokee authorities in admitting them has never been questioned by the Cherokee Nation. Whatever inference, therefore, may be drawn from these facts applies with equal force both for and against the validity of the judgment in question.

The Dawsons have lived in the Cherokee Nation, most of them since 1883; they have exercised the rights of Cherokee citizenship for many years, some of them occupying official positions in the Nation, and no protest seems to have been made against their citizenship until within the last few years. The records of the Cherokee Nation, in the possession of this Commission, show, that since 1883, there have been Commissions on citizenship charged with authority to investigate the judgments of former tribunals alleged to have been secured by fraud, and the Cherokee Legislature had power to order an investigation, and to create a tribunal with authority to set aside a judgment so obtained. No such action appears to have been taken

by the Cherokee authorities with reference to the judgment of the Teehee Commission in the Robert Dawson case.

After a careful consideration of all the facts in this case this Commission is of the opinion that the evidence fails to establish that the Dawsons secured their admission to citizenship by fraud or that the judgment of the Teehee Commission as rendered January 11, 1883, was fraudulent as the result of corruption, bribery, or deception upon the part of the Dawsons, or their agents, and that such judgment, and also the judgment of the Spears Commission in 1884, and the Act of the Cherokee National Council of December 1, 1894, which have not been attacked by the Cherokee Nation, being regular on their face, must therefore be accepted by this Commission as the valid judgments of the duly constituted Cherokee authorities.

It is, therefore, the opinion of this Commission that,

(Group I.) Francis M. Dawson, son of Robert Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson, Jr., son of Francis M. Dawson and grand-son of Robert Dawson,

(Group II.) Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert E. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman,

(Group III) John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson,

(Group IV) Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Ona Gray, Cecil Gray, Velton Gray, Effie Akin (formerly

Effie Pierce), Fancy J. Bogle, James E. Bogle, Edna M. Bogle, John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle,

(Group V) Joseph R. Dawson, Clarence E. Dawson, Council F. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus F. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie B. Dawson, Erwine C. Dawson, Edwin C. Dawson, Ancil F. Dawson,

(Group VI) Mollie Moore, Vera Moore, Walter Moore, Clara Moore, Otis Moore, James W. Moore, Edna M. Moore,

(Group VII) Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame,

(Group VIII) Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman,

(Group IX) Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham,

(Group X) Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon

Dwight Harmon, William D. Harmon, Tootie A. Jackson, Dannie Lenox, Birtie E. Lenox, Myrtle Lenox,

(Group XII) Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Fitty Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer,

(Group XIII) Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry, and Charley Mabry,

should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and that

(Group I) Katie Dawson, Andrew C. Atkins,

(Group II) Catherine Dawson, Sarah E. Dawson, August Dulansky, Dannie Dawson,

(Group III) Sarah J. Dawson, nee Wood,

(Group IV) Nellie Pierce, John S. Bogle,

(Group V) Florence Dawson, Martha A. Dawson,

(Group VI) Charles T. Moore,

(Group VII) Ida Blasingame, Mary A. Blasingame,

(Group VIII) Martin L. Patterson, Alice Dawson, Sarah J. Dawson, nee Jones,

(Group IX) John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham,

(Group X) James H. Harmon, William C. Lenox,

(Group XII) Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson,

(Group XIII) Hiram F. Weddle and Alonzo M. Fishback, should be

enrolled as citizens by intermarriage of the Cherokee Nation in accordance with the provisions of said Section twenty-one of the Act of Congress, and it is so ordered.

It is further the opinion of this Commission that, for the reasons heretofore stated, the applications for the enrollment of Arizona Allred and William C. Allred, (embraced in D 635); Francis M. Dawson, son of Elbert Dawson, (embraced in D 627); Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, and Clyde Jackson, the children of William and Lizzie Jackson, (embraced in D 830); James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe, (embraced in D 839), as citizens by blood of the Cherokee Nation, and that the applications of Lizzie Jackson, widow of William Jackson, (embraced in D 830), and George A. Mabry (embraced in D 979), as citizens by intermarriage of the Cherokee Nation should be denied, in accordance with the provisions of the law heretofore quoted, and it is so ordered.

As hereinbefore stated William Pierce (D 409) and Cecil Dawson (D 358) and Green W. Jackson (D 395), died prior to September 1, 1902. It further appears from affidavits, made a part of this record that Liddie and Margaret Graham (D 1128) have died since the date of the application for their enrollment and prior to September 1, 1902.

It is, therefore, ordered that the applications for the enrollment of said William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham be, and the same are hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(Signed) TAMS BIXBY,
Acting Chairman.

(Signed) T. B. NEEDLES,
Commissioner.

Dated at Muskogee, Ind. Ter.,
this Dec. 23, 1902.

(Signed) C. R. BREATHITT,
Commissioner.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 1st, 1902.

William D. Douthitt,

Afton, Indian Territory,

Sir:-

You are hereby notified that the application of .....

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 17th day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with your Admission certificate

Yours truly,

Acting Chairman.

Cherokee D-622.

Register.

COPY.

Cherokee D-324--

Muskogee, Indian Territory, January 24, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 13, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Nate Dawson, Robert Dawson, Albert M. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Lenman, John Dawson, Robert L. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa E. Dawson, Charles B. Dawson, Nattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orlo M. Dawson, Burr R. Dawson, James T. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles T. Pierce, Ona Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James F. Bogle, Edna M. Bogle, John H. Bogle, Marvin R. Bogle,

Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Julius T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie C. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Dora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert L. Dawson, Ralph D. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie L. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John P. Graham, Edna L. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Tookie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley,

Mittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia [illegible]. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Fannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. M-130.

COPY.

Cherokee D-324

Muskogee, Indian Territory, February [illegible] 1903.

A. S. McKennon,

Attorney for Francis M. Dawson, et al,

Wewoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J.F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Lula L. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles L. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orie H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E. Bogle, Edna M. Bogle, John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E.

Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert D. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse B. Graham, Gracie M. Graham, Florence M. Graham, Laverna A. Painter, Ada P. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Kittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura

Fluornoy, Oscar Fluornoy, Claude Fluornoy, Edna Fluornoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah E. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

You have heretofore been furnished with a copy of the record of proceedings had in this case.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished both yourself and the principal applicant, by the attorney for the Nation.

The decision, together with the record of proceedings had in this case will be transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

You are requested to forward to the Commission two copies of your printed brief in this case, in order that the same may be included in the record to be forwarded to the Secretary of the Interior

Respectfully,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. M-45.

Register.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Francis M. Dawson et al., applicants for enrollment as citizens of the Cherokee Nation, including the Commission's decision, dated December 23, 1903, granting said application as to Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E.Bogle, Edna B. Bogle, John H. Bogle, Marvin E.Bogle,

Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Lora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Laverna A. Painter, Mary E. Graham, Jesse F. Graham, Gracie M. Graham, Florence M. Graham, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William L. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Roxanna Woolley, Irene W. Woolley, Wilburn E. Woolley,

Kittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Fogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Parmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson , Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson, and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

-4-

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

Enc. M-135.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, together with the Commission's decision in said case, and the protest of the Cherokee Nation against said decision, dated February 6, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 26, 1903.

A. S. McKennon,

Attorney for Francis M. Dawson, et al.,

Wewoka, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

Cherokee D-522.

Muskogee, Indian Territory, February 25, 1903.

William D. Douthitt,

Afton, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting, among others, your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation. There has heretofore been furnished your attorney, A. S. McKennon, Wewoka, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished both your attorney and the principal applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. H-57.

Register.

Acting Chairman.

(COPY)

Refer in reply to the following:
Land 13688-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, October 16,1903

Cherokee Enrollment
Francis M. Dawson et al., Group 13.

The Honorable

The Secretary of the Interior.

Sir:

Referring to office report of even date transmitting the record relative to applicants, parties to Group 1 of the Francis M. Dawson Consolidated Case, there is enclosed herewith the record relative to the applicants involved in Group 13.

D 521, Group 13, page 1.

Lula Pearl Weddle applies for enrollment of herself and her minor children, Curtis and Morris O. Weddle, as citizens by blood and for the enrollment of her husband, Hiram F. Weddle, as a citizen by intermarriage. She also applies for the enrollment of Roy Weddle who was born subsequent to the date of her original application. He is properly identified by a birth affidavit.

D 522, Group 13, page 8.

William D. Douthitt applies for the enrollment of himself as a citizen by blood.

D 343, Group 13, page 9.

Alonzo M. Fishback applies for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife,

Laverna A. Fishback, and their minor children, William A. and Annie B. Fishback, as citizens by blood.

D 737, Group 13, page 19.

Elbert L. Morgan applies for the enrollment of his wife, Florence Morgan, and their minor child, Clide, as citizens by blood. He also applies for the enrollment of Alice A. Morgan, his minor child, born subsequent to the date of his original application. This minor is identified by a birth affidavit.

D 845, Group 13, page 24.

John E. Fishback applies for the enrollment of himself as a citizen by blood.

D 979, Group 13, page 27.

George A. Mabry applies for the enrollment of himself as an intermarried citizen and for the enrollment of his wife, Edna Mabry, and their minor children, Roby and Charlie Mabry, as citizens by blood.

December 23, 1902, the Commission found that all of the applicants above named, except George A. Mabry, were entitled to enrollmenr as citizens of the Cherokee Nation. Hiram F. Weddle and Alonzo M. Fishback as citizens by intermarriage and the others as citizens by blood.

The parties to this group claiming the right to enrollment are related to the Dawsons but they do not claim the right to enrollment by reason of such relationship. The evidence in this case shows that Hiram F. Weddle was married September 13, 1884, under

a Cherokee license, to Lula P. Douthitt (Group 13, page 1). Lula P. Weddle, nee Douthitt, was admitted to citizenship in the Cherokee Nation by the Spears Court, September 13, 1884. The decision of this Court admitting her is as follows:

And now on this the 13th day of September, 1884 comes this case for final hearing and all the evidence in the case having been carefully read and considered by the Commission on Citizenship it has been decided by the Commission that the above named Lula Douthett and Dallas Douthett are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

Eli Spears, pres.
John Lee,
Andrew Young,
Commission on Citizenship.

John L. Adair,
Clk Com'n.

Hiram P. Weddle and his wife are identified by the 1896 roll. Lula P. Weddle has lived in the Cherokee Nation since 1884.

William D. Douthitt (Group 13, page 8) is a brother of Lula P. Weddle and was admitted to citizenship in the Cherokee Nation by the Spears Court September 13, 1884. He is identified by the census roll of 1896 and the record shows he has lived in the Cherokee Nation since he was admitted to citizenship.

Leverna, or Verena, Fishback, nee Dawson (Group 13, page 9) is a daughter of Jasper Dawson, who was admitted to citizenship January 11, 1883. She was first married to Alonzo M. Fishback in 1887, in accordance with the laws of Texas. May 17, 1893, they were re-married in accordance with the laws of the Cherokee Nation. Leverna Fishback does not, however, claim right to enrollment by reason of the admission of her father but by reason of her own admission on December 1, 1894. The act of the national council admit-

ting her and others to citizenship is as follows:

Senate Bill No. 15.

Be it enacted, by the National Council, that M. A. Foland, Edna Mabry, Kittie Flourney, Verena Fishback, M. C. Taylor and Elmer Cox, together with their families, be, and are hereby entitled to all the rights and privileges as are enjoyed by the rest of the members of their families who are citizens of the Cherokee Nation by blood, and all of whom are now residents of cooweescoowee district Passed by the Senate November 27th, 1894.

Roach Young, President Senate.

J. C. Starr, Clerk of Senate.

Concurred in by Council November 28th 1894.

V. Gray, Speaker of Council Pro tem.

J. H. Dick, Clerk of Coulncil.

Approved December 1st, 1894. C. J. Harris, Principal Chief C. N.

Alonzo M. Fishback, and the persons for whom he applied are identified by the Cherokee census roll of 1896. His wife is also identified by the Cherokee pay roll of 1890. The Fishback family has lived in the Cherokee Nation since 1883.

Elbert L. Morgan (Group 13, page 19) is the husband of Florence Morgan, Nee Flourney, who is the daughter of Kitty Richardson, formerly Flourney, nee Dawson. Mrs. Richardson was admitted to citizenship in the Cherokee Nation by the National Council December 1, 1894, under the name of "Kittie" Flourney. The members of her family were also admitted by this act.

John E. Fishback (Group 13, page 24) is a son of Leverna A. Fishback who was admitted to citizenship in the Cherokee Nation by act of the national council of December 1, 1894. His mother was admitted under the name of "Verena" Fishback.

Edna Mabry (Group 13, page 27) was married to George A. Mabry December 11, 1884, in accordance with the laws of the State of

Arkansas. She and her husband claim to have been married in 1869 under the laws of the Cherokee Nation. The record contains no evidence as to this latter marriage except the testimony of the applicants. Edna Mabry is a daughter of Robert and Nancy Dawson. Robert was admitted to citizenship in the Cherokee Nation January 11, 1883. Edna Mabry, however, does not base her right to enrollment on her father's admission. The record shows that she and the members of her family were admitted to citizenship by act of the national council approved December 1, 1894.

In view of the foregoing the office m is of the opinion that the decision of the Commission with reference to the parties to this group is correct and should be approved except in so far as it relates to the enrollment of Hiram F. Weddle and Alonso M. Fishback who are applicants for enrollment as citizens by intermarriage and to George A. Mabry who is an applicant for enrollment as an intermarried citizen whose enrollment has been denied by the Commission. The approval of the Commission's decision, except as to the parties mentioned, is recommended, and attention is respectfully invited to office report of even date transmitting Group 1, of this consolidated case.

August 31, 1903, Kimball & White, attorneys of this city, filed a brief and argument relative to the right of George A. Mabry to enrollment as an intermarried citizen. In their letter it is stated that a copy of the brief was forwarded to the attorney for the Cherokee Nation.

September 25, 1903 (I.T.D. 8015), the Department forwarded to this office the reply of the Cherokee Nation to the brief above mentioned. May 23, 1903 (I.T.D. 4851), the Department transmitted to this office a motion for a new hearing with reference to the right of George A. Mabry to enrollment.

August 24, 1903, Kimball & White filed a motion "for review and recommitment" to the Commission of this group in so far as it relates to the right of George A. Mabry to enrollment as an intermarried citizen.

The evidence does not show that George A. Mabry and his wife, Edna Mabry, have been married in accordance with the laws of the Cherokee Nation. Mabry testifies that they were so married but he did not furnish a copy of the marriage license or of the record of the Cherokee Nation pertaining to such marriage. In order that no injustice may be done this applicant, the office believes that the case, so far as he is concerned, should be returned to the Commission in the event the Court of Claims finds that intermarried citizens are entitled to enrollment and to participate in the distribution of the Cherokee estate.

It is not believed, however, that the case should be returned until after the Court of Claims shall have made its findings and rendered an opinion on the question submitted to it by the Department February 24, last.

Attention is respectfully invited to the fact that the act of December 1, 1894, admitted to citizenship in the Cherokee

Nation Edna Mabry, among others, "together with their families." George A. Mabry and Edna Mabry were married prior to the date of said act and it may be possible that George A. Mabry was admitted to citizenship in the Cherokee Nation December 1, 1894, by reason of the fact that his wife and the members of her family were admitted to citizenship. However, as he has applied for enrollment as an intermarried citizen the office does not consider it necessary to discuss this point but invites attention thereto.

Very respectfully,

W. A. Jones,

Commissioner.

G.A.W. (E).

D. C. 10512-1904. DEPARTMENT OF THE INTERIOR,

WASHINGTON.

JP
FHR
J.V.M.

LRS

ITD 7442-1903.
7452- "

March 31, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 25, 1903, you transmitted the record in the matter of the application of Francis M. Dawson et al., for enrollment as citizens of the Cherokee Nation. In your decision of December 23, 1902, you disposed of the applications in the Dawson case by groups. In this letter Group XIII, as disposed of by you, will be considered.

This group includes those applications designated by you as D. 343, D 521, D 737, D 845 and D 979.

Title D 343 refers to the application of Alonzo M. Fishback for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Leverna A., and his minor children, William A. and Annie B. Fishback, as citizens by blood of the Cherokee Nation. It appears that the said Alonzo M. Fishback was married May 17, 1893, in accordance with the laws of the Cherokee Nation to Leverna A. Dawson, to whom he was previously married in the

State of Texas, according to the laws thereof in 1877. She was admitted to citizenship in the Cherokee Nation by the act of the National Council approved December 1, 1894, under the name of Verena Fishback.

All the members of this family are identified upon the 1896 roll. Mervena Fishback is also identified upon the pay roll of 1890. The father and mother have resided in the Cherokee Nation since 1883.

Title D 521, refers to the application of Lula Pearl Weddle for the enrollment of herself and her minor children, Curtis, Morris O., and Roy Weddle, as citizens by blood, and for the enrollment of her husband, Hirma F. Weddle, as a citizen by intermarriage of said nation. It appears that Lula Pearl Weddle, formerly Lula Pearl Douthitt, was admitted to citizenship in the Cherokee Nation by decree of the Spears Court dated September 13, 1884. She has resided in the Cherokee Nation since 1884, and is identified upon the 1896 census roll. Her children named above are identified by birth affidavits.

Title D 737 refers to the application of Elbert L. Morgan for the enrollment of his wife, Florence, and his minor children, Clide and Alice A. Morgan, as citizens by blood of said nation. It appears that the said Florence Morgan is the Florence Flourney referred to under title D 715, which was disposed of by you in Group xii. She was admitted to citizenship December 1, 1894, with her mother, Kitty Richardson, formerly Flourney as a member of her

family. She has resided in the nation since 1894. Her children, Clide and Alice A. Morgan, are identified by birth affidavits.

Title D. 845 refers to the application of John K. Fishback for the enrollment of himself as a citizen by blood of said nation. This applicant is a son of the Leverna Fishback who was admitted to citizenship on December 1, 1894, and was a minor at that date. He is identified on the census roll of 1896 and has resided in the Nation since 1894.

Title D. 979 refers to the application of George A. Mabry for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Edna, and his minor children, Roby and Charlie Mabry, as citizens by blood of said nation. The principal applicant was married to Edna Dawson in Arkansas, in 1884. Subsequently, it is claimed, they married in the Cherokee Nation, in accordance with the laws thereof, in 1889. The testimony is not clear as to whether or not George A. and Edna Mabry were married in accordance with the Cherokee law. They were married, however, at the date of her admission by the National Council, viz: December 1, 1894, to Cherokee citizenship, her name appearing therein as Edna Mabry. She is identified on the strip payment roll of 1894, and has resided in the nation with her husband since 1884. Their children, Roy and Charlie Mabry, were minors at the date of their mother's admission.

The attorneys for Mabry have filed a motion for a rehearing in his case, supported by a brief. Both motion and brief have been

duly served upon the atterney for the Cherokee Nation. The latter has filed a reply thereto. The purpose of said mot on is to secure a rehearing in order to establish that George A. Mabry was married in accordance with the laws of the Cherokee Nation.

In said decision of December 23, 1902, you held that all of the applicants are entitled to enrollment except George A. Mabry.

Reporting in reference to this group on October 16, 1903, the Commissioner of Indian Affairs recommended that your decision be approved, except in so far as Hiram F. Weddle, Alonzo M. Fishback, and George A. Mabry are concerned, who are classified as applicants claiming by intermarriage. The Commissioner is of the opinion that George A. Mabry should have an opportunity to show that his marriage with Edna Dawson was performed in accordance w th the Cherokee law. He does not believe, however, that the case should be returned until after the Court of Claims has rendered its opinion submitted to it by the Department on February 24, 1903. He calls attention, however, to the act of December 1, 1894, which reads as follows:

"Senate Bill No. 18.

Be it enacted by the National Council, that M. A. Foland, Edna Mabry, Kittie Flournoy, Verena Fishback, M. C. Tayler and Edner Cox, together with their families, be, and are hereby entitled to all the rights and privileges as are enjoyed by the rest of the members of their families who are citizens of the Cherokee Nation by blood, and all of whom are now residents of Cooweescoowee district.

Passed by the Senate November 27th, 1894.

Roach Young, President Senate,
J. C. Starr, Clerk of Senate.

Concurred in by the Council November 28th, 1894.

V. Gray, Speaker of Council, protem.
J. H. Dick, Clerk of Council.

Approved December 1st, 1894.

C. J. Harris, Principal Chief, C. N."

and states that it is possible that George A. Mabry was admitted to

citizenship by the force of said act. In view of the fact that Mabry applied for enrollment as an intermarried citizen, the Commissioner considers it unnecessary ~~x~~ to discuss his rights under said act of the National Council.

It should be noted in this connection, that if the act is applicable to Mabry, it also refers to Alonzo M. Fishback.

Title D 522 refers to the application of William D. Douthitt for the enrollment of himself as a citizen by blood of said nation. He was admitted to citizenship by the National Council September 13, 1884, and is identified on the census roll of 1896 . Since 1884 he has resided in the nation.

The Department concurs in your decision as to those applicants who claim enrollment by blood. Respecting those claiming by intermarriage, action will be deferred until a decision shall be rendered by the Court of Claims concerning the rights of intermarried persons to enrollment in the Cherokee Nation.

A copy of Indian Office letter of October 16, 1903, relating to this group, is inclosed.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee D-522.

Muskogee, Indian Territory, April 12, 1904.

William D. Douthitt,

Afton, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, granting, among others, your application for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 31, 1904.

Respectfully,

Commissioner in Charge.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

A. S. McKennon,

Attorney for Francis L. Dawson, et al.,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis L. Dawson, et al., granting the applications for the enrollment of Francis L., Lula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Francis L. Dawson, Jr., Lizzie, Arthur, Edna E., Edward S., and George J. F. Atkins, John W., Albert M., Ralph M., Alford, Samuel R., August, Nate and Robert Dawson, Hattie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, John, Robert E., Iola L., Lemuel M., Rosa E., Charles R., Hattie J., Jennings E., James C., Virgal C., Thomas P., Marice J., Orle M., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Inman, Tosadie A. Jackson, Fannie, Birtie R. and Myrtle Lenox, Missouri, Tempa V., Robert S., Gideon, John W., Julius E., Francis M., Mary E., Jesse D., Gracie M. and Florence M. Graham, Laverna A., Ada B., Eva P., John W., Ray D., Roberta A., and

Roy V. Painter, Florence L., Myrtle and Claude Bradshaw, Joe H., William S., John H., Donald L. and Robert Lee Graham, Joe Willie Neal, James L., Marion, Lonnie, Lonnie and Floyd Graham, Mollie, Nora, Walter, Clara, Ora, James W., and Edna Edith Moore, Richard M. and Ina E. Dawson, Ella L., Mollen J. and William Glenn Spickerman, Elbert L., Ralph E., Robert L., and William C. Dawson, Zona, Sarah A., Martha A., Claud A., Edgar D., Thomas L. and Virgil W. Patterson, Joseph R., Clarence E., Council J., Elmer A., Oleo, Rufus T., Edgar, Wilborn, James R., Minnie L., Ermine C., Edwin C. and Ancil F. Dawson, Etta Brauer, Kitty, Delia F., Minis T. and Jasper Cecil Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy, Texanna, Irene W. and Wilburn E. Woolley, Laverna A., William A. and Annie B. Fishback, Lola F., Curtis, Morris O. and Roy Weddle, Florence, Clide and Alice A. Morgan, John D. Fishback, [illegible], Roby and Charley Mary and William D. Doutritt, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Liddie and Margaret Graham as citizens by blood of the Cherokee Nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 31, 1904, and that the Commissioner's decision rejecting the applications for the enrollment of James, May, Zelma, Roberta, and Rosa Lowe, Osie, Lizzie, Jessie, May, and Clyde Jackson as citizens

by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting the applications for the enrollment of Francis M., Eula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Francis M. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. P. Atkins, John W., Albert L., Ralph H., Alford, Samuel R., August, Nate and Robert Dawson, Katie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, John, Robert E., Iola M., Lemuel W., Rosa B., Charles E., Hattie J., Jennings B., James C., Vergal C., Thomas P., Mariee J., Orle M., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Harmon, Toshie A. Jackson, Fannie, Birtie E. and Myrtle Lenox, Missouri, Tampa V., Robert S., Gideon, John W., Julius E., Francis W., Mary E., Jesse E., Gracie M. and Florence M. Graham, Laverna A., Ada R., Eva P., John W., Roy L., Roberta A., and

Roy V. Painter, Florence A., Myrtle and Claude Bradshaw, Joe E., William C., John A., Edna L. and Robert Lee Graham, Joe Willie Neal, James L., Marion, Maggie, Luther and Floyd Graham, Lollie, Nora, Walter, Clara, Ora, James W., and Edna Edith Moore, Richard W. and Lua E. Dawson, Ella L., Hellen J. and William Glenn Spickerman, Albert E., Ralph E., Robert L., and William C. Dawson, Zona, Sarah A., Martha A., Claud A., Edgar D., Thomas M. and Virgil V. Patterson, Joseph R., Clarence E., Council J., Elmer A., Cleo, Rufus T., Edgar, Wilborn, James R., Vinnie D., Ermine C., Edwin C. and Ancil F. Dawson, Etta Brauer, Kitty, Delia F., Finis T. and Jasper Cecil Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy, Texanna, Irene W. and Wilburn E. Woolley, Laverna A., William A. and Annie L. Fishback, Lula F., Curtis, Morris O. and Roy Weddle, Florence, Elide and Alice A. Morgan, John E. Fishback, Edna, Roby and Charley Lacey and William D. Douthitt, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Liddie and Margaret Graham as citizens by blood of the Cherokee Nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 31, 1904, and that the Commission's decision rejecting the applications for the enrollment of James, May, Zelma, Roberta, and Rosa Lowe, Osie, Lizzie, Jessie, May, and Clyde Jackson as citizens

by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

WFD.

Commissioner in Charge.

Cher 10766

Laverna A. Fishback

Trans. from D 343

Cher 10766

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., SEPTEMBER 19, 1900.

In the matter of the application of Alonzo M. Fishback for the enrollment of himself, wife and children as citizens of the Cherokee Nation;,said Fishback being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Alonzo M. Fishback.
Q How old are you, Mr. Fishback? A 43.
Q What is your post office address? A Adair.
Q What district do you live in? A Coowees coowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage. A Intermarriage.
Q Your father and mother are non-citizens? A Yes, sir.
Q What is the name of your wife? A Her maiden name is Leverna Dawson.
Q When did you marry her? A In 1887.
Q Have you any certificate of marriage? A Yes sir.

Com'r Needles:--Applicant presents a marriage license, regularly issued by the authorities of the Cherokee Nation, and marriage certificate, certifying that he was married to one L. A. Fishback, nee Dawson on the 17th day of May, 1893. This will be duly filed.

Q You were married the second time to your wife? A Yes sir.
Q Where were you married the first time? A State of Texas.
Q Is she a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes sir.
Q What degree of blood does she claim? A One-sixteenth.
Q Her name upon the roll of 880? A No, sir, 1880.
Q By what right does she claim citizenship, if her name does not appear upon the roll of 1880? A
Q Was she ever re-admitted? A Yes, sir, by act of the Council.

Com'r Needles:--Applicant presents a certificate dated Tahlequah Indian Territory, November 19, 1890, signed by W. H. Mayes, Act. Executive Secretary, under the great seal of the Cherokee Nation, certifying that by an act of the National Council approved December 1, 1894, Lorena Fishback and family were re-admitted to all the rights and privileges of the Cherokee Nation.

1896 enrollment, page 304, #6882, Alonzo M. Fishback, Coowees-coowee.

1896 enrollment, page 148, #1067, Leverna A. Fishback, Coowees-coowee.

Q Have you any children? A Yes sir.
Q What is the name of the oldest one of them, under 21 year of age?
A William F.
Q How old is he? A Four [illegible] old.
Q What is the boy's name? A William F.
Q He is 19 is he? A Yes sir.
Q Are these children now [illegible] at this time?
A Yes, sir.
Q Are the [illegible] Leverna A. Fishback? A Yes sir.
Q Annie E. was [illegible] was born? A Yes sir.

[illegible]

Com'r Needles:-- The name of Alonzo M. Fishback appears upon the census roll of 1896 and he presents a certificate more fully described in the testimony, certifying that his wife, Leverna Fishback was re-admitted to citizenship on the first of December, 1894. He also presents marriage license, certifying that he married to his wife Leverna Fishback nee Dawson on the 17th day of May, 1893. The name of his wife is also found upon the roll of 1896, and the names of his two children, William A. and Annie B., are found upon the census roll of 1896. The said Alonzo M. Fishback having been married in accordance with his certificate before the date of admission of his wife, and his child Annie B. having been born before the date of admission of his wife, final judgment as to the enrollment of the said Alonzo M. Fishback and his daughter, Annie B will be suspended, and their names will be placed upon a doubtful card.

The Representative of the Cherokee Nation protests against the enrollment of his wife, Leverna A., and his child William A., born to her after the date of her admission, and ask that their names also be placed upon a doubtful card, and that final judgment as to their enrollment be suspended, which will be done.

--------oOo--------

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission ot the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographci notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 21st day of September, 1900.

(Signed) T. B. Needles,
Commissioner.

Cora E. Glendenning, being duly sworn, states that, as a stenographer to the Commission to the Five Civilized Tribes, she copied the foregoing, and it is a true and complete copy of a document on file with the Commission in the case of Alonzo M. Fishback.

Cora E. Glendenning

Subscribed and sworn to before me this 29th day of August, 1904.

Charles W. Jacobs

Notary Public.

Enrollment of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date Sept 19 1900.

44 Name Marquis Fortner Adair D.C.

District Illegible Year 1896 Page 364 No. 348

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

7 Wife's name Lucinda Fortner Vice Lawson

District Illegible Year Page No.

Citizen by blood yes Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

William Fortner Dist. Illegible Year Page 55 No. 112 Age 11

H Annie D " Dist. Year Page 55 No. Illegible Age 9

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Illegible

Cherokee D 343

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 18 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of Alonzo M. Fishback for enrollment as a Cherokee citizen.

Appearances:
Mr. Mellette of Vinita, I. T., attorney for the applt;
Mr.W.WHastings, attorney for the Cherokee Nation.

BY MR. MELLETTE: I want to file a certified copy of act of Council admitting to citizenship Verena Fishback and others, as citizens.

BY COMMISSIONER NEEDLES: This will be filed.

ALONZO M. FISHBACK, being first duly sworn, and being examined testified as follows:
BY COMMISSIONER NEEDLES:
Q What is your name? A Alonzo M. Fishback.
Q What is your age? A About 46.
Q What is your post-office? A Adair, Indian Territory.
BY MR. MELLETTE:
Q Are you the husband of Verena Fishback, or what is her right name? A Louverna A. is her right name, but Verna-
Q Is she the Verena Fishback that was admitted by that act of Council there? A Yes sir.
Q You were married to her at the time she was admitted? A Yes sir, I was married to her before that time.
Q I see here with the papers a certificate showing that you were married to L. A. Fishback, nee Dawson, on the 17th day of May, 1893; according to a certificate issued to you by H. H. Trot, Clerk of Cooweescoowee District, is that correct? A Yes sir.
Q Was your wife a citizenef the Cherokee Nation at the time you married her? A Yes sir.
Q Was her name on the rolls of 1886 and 1890, the pay roll or do you know? A Yes sir.
Q What district? A Delaware and Cooweescoowee both; Delaware in 1886 andin 1890 I think you will find it in Cooweesee wee; I am not certain, but I think you will find it in 1890 in Cooweescoowee.

1886 Pay roll of the Cherokee Nation, Delaware District, No.850, Louverna Fishback, no age given, she is the first, immediately following is John E., and Annie B.

Q Are John E. and Annie B. your children?A Yes sir.
Q You had been married before you married under Cherokee law in 1893 had you, to her? A Yes sir, ~~mmk mmk~~.how is that?
Q You hadbeen married to your wife before you married her under the Cherokee law in 1893? A Yes sir.
Q When did you first marry her? A In 1877, I think it was.
Q Where did you live at that time? A Texas.
Q When did you move to this country? A In the fall of 1883, November 8th,1883; when I reached here.
Q Your child there, John E., made a separate application for enrollment before this Commission, an application of his own for enrollment? A Yes sir.
Q He is over 21 is he? A He is now.
Q About how old was he when he moved into the Cherokee Nation? A Some where between nine and ten; of course I would have to take the record you understand to be positive; I wouldn't be positive.

Q You remember what year it was he came into the Nation? A Yes, November 5th,1883.
Q Where has he lived, in what country has he lived since he came into the Cherokee Nation in 1883? A Cherokee Nation.
Q Has not lived any other place? A No sir.
Q How old is he now? A He is 23 I think, 22 or '3.
Q Now you applied for the enrollment of your daughter Annie B.? A Yes sir.
Q Was she born in this country or in Texas? A Texas.
Q Was she a minor when she came to this country? A Yes sir.
Q Where has she lived since she came to this country, in 1883? A Right here in the Cherokee Nation.
Q Live here now? A Yes sir.
Q I notice in the certificate of admission by the Cherokee Council that Verena Fishback and her family is admitted to Cherokee citizenship; of whom did her family consist on the first day of December 1894? A John E. and Annie B., that was her children; of coun I am her husband.
Q You were of her family were you not? A Yes sir.
Q You and your wife lived in the Cherokee Nation continuously since you came here in 1883, with your children? A Yes sir.
Q Has she resided Still reside herein the Cherokee Nation? A Yes sir.

BY MR. HASTINGS:

Q What is your wife's father's name?A Jasper Dawson.
Q When was he admitted to citizenship? A Well I am not positive, about that, I think in 1881 probably.
Q Wasn't it in 1883, he is a brother of Robert and Elbert , he applied in 1881 but was admitted in 1883? A Well probably so, I have not got the exact dates of that.
Q This Jasper Dawson was your wife's father? A Yes sir.
Q And you proved before the Council that your wife was a daughter of that Jasper Dawson? A Yes sir.
Q And that is the way your wife was admitted. A Yes sir.
Q When was your oldest boy born, I believe you have but one? A That is all.
Q When was he born; I would like to know the exact date of his birth, if you have it? A All right I think I have got it. (Looks at papers.) September 3,1878, John E. Fishback, born September 3,1878.
Q When was your girl born, the oldest one? A February 27th, 1881.
Q You were married to your wife under Cherokee law according to this statement on May 17th,1893? A I think so, sir, yes.
Q Your wife was admitted to citizenship the first day of December 1894, according to your statement, and the record which you present? A Yes sir.
Q And you were married to her some six or eight months the second time before she was admitted to citizenship? A I think you will find it is re-admitted, sir.

1890 pay roll of Cherokee Nation, page 343, No.--- Levernia Fishback, Delaware District. (Two people following) John and Anna Fishback,- no ages given.

BY MR. MELLETTE: I want this certificate copies in the testimony; sometimes they get away from us.

BY COM'R KRIDLER: All right.

BY MR. MELLETTE, (reading)

"Senate Bill No.15.

"Be it enacted, by the National Council, that M.A.Poland, Edna Mabry, Kittie Flourney, Verena Fishback, M.C.Tayler and Esther Cox, together with their families, be, and are hereby entitled to all the rights and privileges as are enjoyed by the

rest of the members of their families who are citizens of the Cherokee Nation by blood, and all of who are now residents of Coowescoowee district.

Passed the Senate November 27th,1894.

Roach Young, President, Senate,

J.C.Starr, Clerk of Senate.

Concurred in by the Council November 28th,1894.

W. Grey,

Speaker of Council, Pro tem.

J.H.Dick, Clerk of Council.

Approved December 1st, 1894.

C.J.Harris,

Principal Chief, C.N.

Executive Office,
Cherokee Nation,
Tahlequah, Indian Territory.

I, B.W.Alberty, Assistant Executive Secretary of the Cherokee Nation do hereby certify that the foregoing is a true and copy taken from the record, laws and acts of the Cherokee Nation, made and filed in this office, and is in my legal custody.

Given under my hand and the s eal of the Cherokee Nation this the 7th day of February,1902.

B.W.Alberty,

(Seal) Assistant Executive Secretary, Cherokee Nation.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony andproceedings in this case and that the foregoing is a true and complete trans cript of my stenographic notes thereof.

M D Green

c D 343

D E P A R T M E N T O F T H E I N T E R I O R,

Commission to the Five Civilized Tribes,

Muskogee I. T. June 13th 1902.

In the matter of the application of Alonzo M. Fishback et al for enrollment as citizens of the Cherokee Nation.

Cherokee Doubtful 343.

Brief on part of the Cherokee Nation.

The testimony in this case shows that Alonzo M. Fishback is himself a white man and he applies for himself as a Cherokee citizen by intermarriage. He married his wife Louverna A. Fishback, nee Dawson, in accordance with the laws of the Cherokee Nation on the 17th day of May 1893. The testimony in this case shows that Louverna Fishback is a daughter of Jasper Dawson, brother of Francis M. Dawson who has been listed for enrollment upon Cherokee Doubtful Card number 324. Louverna A Fishback and family together with a number of other families was admitted to citizenship in the Cherokee Nation by an act of the National Council approved December 1st 1894 and it is quite clear that the word families had only reference to the children of the women mentioned in the act itself because if the act had intended to include the husband the act would have mentioned them because the husband is the head of the family.

Again the act of the National Council admits them as Cherokees by blood whereas Alonzo M. Fishback only claims by intermarriage and it is therefore quite clear that it was not intended by the National Council to have admitted ~~xxxxx~~ any one other than the women mentioned in said act together with their children and this construction must have been placed upon this act by the parties themselves at that time.

By referring to the testimony taken in the Francis M. Dawson case number Cherokee D 324 it will be observed that all of the members of this same Dawson family who were admitted since January 11, 1883 were admitted upon the strength of their relationship to the Robert Dawson family admitted on January 11, 1883 by the Tehee Court. The testimony shows in that case that no testimony was introduced before the National Council in this or in any other Dawson case except to prove the relationship of the family to the Dawson family who was readmitted by the Tehee Court at

that time. It is admitted that the Fishback family introduced no proof to show their Cherokee blood not even the famous Doctor Baker nor any of the Colored contingent whose names are not remembered who may or who may not have testified in 1883 hence so far as Louverna Fishback is concerned the legality of her admission in 1894 depends upon the legality of the admission of Francis M. Dawson in 1883. If Francis M. Dawson was illegally and fraudulently admitted in 1883 and these people were admitted upon the strength of their relationship to the person admitted by a fraudulent judgment and no separate or independant testimony was introduced to show that they had a meritorious claim then it is quite clear that the Commission could not enroll the applicants in this case.

But the record in this case shows that Fishback and his wife were married in 1877 in Texas, came to this country in 1883 and were married the second time in accordance with the Cherokee Law in 1893 before his wife was a recognized Cherokee Citizen and before she was readmitted to citizenship in the Cherokee Nation and we contend that even if the Commission admits the wife and children in this case that it can not under the law admit Alonzo M. Fishback himself? Section 659 of the compiled Laws of the Cherokee Nation requires every one "Desiring to marry a Cherokee, Delaware or Shawnee woman, a citizen of the Nation" to obtain a license for the same from the District Clerk. You will not that the woman must not only be a citizen by blood but must at the same time be a "Citizen of the Nation."

It is argued by counsel for the applicant that the name of his wife appears upon the roll of 1886 and 1890. This is true but the applicants wife was born in the State of Texas, married in the state of Texas, came to this country in 1883, had never been readmitted to citizenship in the Cherokee Nation and she recognized that her name was upon the roll of 1886 and the roll of 1890 without authority of law and she recognized that she was not a citizen of the Cherokee Nation and hence applied to the National Council in 1894 with evidence as to her relationship to the Dawsons, who had been previously readmitted to citizenship and was herself then readmitted to citizenship. Hundreds of Cherokee women have married white men in the states of Georgia Tennessee and other states, came to the Cherokee Nation and was readmitted, but before their husbands from they had married in the states could become citizens it was necessary

in every case that they remarry under the Cherokee law after the wife was readmitted to citizenship in the Cherokee Nation or after she became a citizen of the Cherokee Nation . Look up the case of William E Halsell and you will find that the National Council in that case required him to remarry his wife in accordance with Cherokee law after her readmission before he could acquire any righst of citizenship in the Cherokee Nation. So has it been in numerouscases and so far as the representative of the Cherokee Nation knows without exception. No onein the whole Cherokee Nation has contended that the law was otherwise.

The attention of the Commission is respectfully invited to the brief filed by the Cherokee Nation in the case of Francis M. Dawson Cherokee D 324.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

Cherokee D-343.

Department of the Interior,

Commission to the Five Civilized Tribes,

Muskogee, I.T., October 3, 1902.

In the matter of the application of Alonzo M. Fishback for the enrollment of himself as a citizen by intermarriage, and for the enrollment, of his wife, Leverna A., and children, William A. and Annie B., as citizens by blood of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Alonzo M. Fishback.
Q What is your age at this time? A About forty-five.
Q What is your postoffice? A Adair.
Q Are you the same Alonzo M. Fishback for whom application was made to this Commission for enrollment as an intermarried citizen in 1900?
A Yes sir.
Q What is your wife's name? A Leverna A.
Q Is she a citizen by blood of the Cherokee Nation? A Yes sir.
Q Is she living at this time? A Yes sir.
Q When were you and she married? A In '77. We were married here in '77.
Q Then were you afterwards remarried to her? A Yes sir.
Q When? A I don't know.
Q About how long has it been? A It has been something near eight or nine years ago.
Q This last marriage was under a Cherokee marriage license in accordance with the Cherokee law was it? A Yes sir.
Q Your wife was an admitted citizen was she? A Yes sir.
Q Admitted after you and she were married? A Yes sir.
Q Then after that you and she were remarried under Cherokee law?
A Yes sir.
Q Were you ever married prior to your marriage to your wife, Leverna A.? A No sir.
Q Was she ever married prior to her marriage to you? A No sir.
Q Have you and your wife lived together continuously from the time of your marriage up until the present time? A Yes sir.
Q Never been separated during that time? A No sir.
Q Were you living together on the first day of September, 1902? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Right close on to twenty years.
Q Have you lived in the Cherokee Nation all the time for the last twenty years? A Yes sir.
Q Has your wife lived here all the time for the last twenty years?
A Yes sir.
Q Are these two children William A. and Annie B., your children by your wife Leverna? A Yes sir.
Q Are they both living at this time? A Yes sir.
Q Have they lived in the Cherokee Nation all the time since their birth? A Yes sir.
Q Never lived out of the nation since they were born? A Not since we moved here.
Q Annie B. has lived here for twenty one years? A Yes sir.
Q And the other child has lived here from birth all the time?
A Yes sir.

2-Alonzo M. Fishback et al.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E.G.Rothenberger.

Subscribed and sworn to before me this 17th day of October, 1902.

(SEAL) (Signed) B.C.Jones,
Notary Public.

Cora E. Glendenning, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she copied the foregoing transcript, and it is a true and correct copy of a document on file with the Commission in the case of Alonzo M. Fishback et al.

Cora E. Glendenning.

Subscribed and sworn to before me this 29th day of August, 1904.

Charles H. Jumper
Notary Public.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
AUXILIARY CHEROKEE LAND OFFICE.

Muskogee, Indian Territory, February 28, 1906.

In the matter of the allotment of land to Laverna A. Fishback and her minor child William A. Fishback, Cherokee Card No. 10766, Approved Roll Nos. 31872 and 31873.

Alonzo M. Fishback, husband and intermarried applicant, Cherokee Card D343, being sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Alonzo M. Fishback.
Q How old are you? A 47.
Q What is your post office? A Adair, Indian Territory.
Q What is the name of your father? A G.W.Fishback.
Q The name of your mother? A Mahulda A. Fishback.
Q What is the name of your wife? A Laverna A. Fishback.
Q The name of your child? A William A. Fishback.
Q What is the name of your wife's father? A Jasper Dawson.
Q The name of her mother? A Delilah J. Dawson.
Q Are your wife and child living at this time? A Yes sir.
Q Are they living with you? A Yes sir.
Q Do you make any claims to Cherokee citizenship? A Yes sir, I am an intermarried applicant.
Q What is your object in appearing at the Land Office today?
A To designate lands for my wife and child.
Q State the reasons why your wife does not make personal appearance and selection for herself and child. A She is in bad health and our little fellow is in bad health. Has had Pneumonia for about thirty days.
Q Have you any written authority from your wife to designate these lands? A Yes sir.

Witness offers Power of Attorney executed by Levernia A. Fishback appointing Alonzo M. Fishback her attorney for the purpose of selecting an allotment for herself and minor child William A . Fishback.

Q Are you identical with the Alonzo M. Fishback named in this Power of Attorney? A Yes sir.
Q Is Lavernia A. Fishback who executed this Power of Attorney identical with the Laverna A:Fishback? A Supposed to be the same name. Might be a letter in the wrong place.
Q Are there any improvements on the lands you wish allotted them? A Yes sir.
Q Is it part of your home place? A Yes sir.
Q Do the lands desired to be allotted to them lay west of Grand river? A Yes sir.
Q Is this the first application that has been made for an allotment for your wife and child? A Yes sir.

WITNESS EXCUSED.

Blanch Ashton upon oath states that as stenographer to the Commission to the Five Civilized Tribes she accurately recorded the testimony in the above entitled cause and that the foregoing is a correct transcript of her stenographic notes thereof.

Blanch Ashton

Subscribed and sworn to before me this 28th day of February, 1906.

Notary Public.

To be filed with C. D. 345, Alonzo M. Pickback et al.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., SEPTEMBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF Francis Marion Dawson, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Francis Marion Dawson.
Q What is your age? A I am fifty eight years old.
Q What is your Postoffice? A Oocoma.
Q What District do you live in? A Delaware.
Q Who is it you want to have enrolled? A Myself and family.
Q Your wife? A Yes, sir.
Q How many children? A Six.
Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A No, sir; she is a white woman.
Q How long have you lived in the Cherokee Nation? A Since 1883.
Q Were you admitted by the Cherokee Commission? A Yes, sir.

The applicant presents a duly authenticated certificate of admission to citizenship, showing that on the 11th day of January, 1883, certain persons were admitted by the Commission on citizenship, and among them appears the name of F. M. Dawson.

Q That is your name is it? A Yes, sir.

This is recognized as satisfactory evidence of the facts stated.

Q Have you lived in the Cherokee Nation ever since your admission?
A Yes, sir; in Delaware District ever since.
Q Give me the name of your wife? A Katie Dawson.
Q How old is she now? A Forty five.
Q Was she admitted with you? A No, sir.
Q Have you married not according to Cherokee law since your admission? A No, sir.
Q You have not remarried since your admission? A No, sir; it was not necessary.

The applicant presents a duly authenticated marriage license and certificate, showing that he was married to his wife, as stated by him, in 1880, by the Reverend R. W. Goudelock, in Carrol County, Arkansas, the license being issued by the Clerk of that County.

These papers are filed herewith.

Q Your wife was not admitted by the Cherokee Commission, when you were? A No, sir.
Q Or at any other time? A No, sir.
Q By act of the Commission or Council? A No, sir: she was [illegible] on the rolls.
Q On the census roll? A Yes, sir.
Q Give me the names of your children, please? A Lula.
Q How old? A Seventeen.
Q Next child? A Ray.
Q How old? A Fifteen.
Q Next child? A Jessie Anne.
Q How old? A Fourteen.
Q Next child? A Jacob Levy.
Q How old? A Ten.
Q Next child? A Hugh A.
Q How old? A He is eight I believe.

Q Next child? A Laura.
Q How old is that child? A She is four years old.
Q Is that all? A Yes, sir; six of them. I have others, but they are not at home.
Q Are they married? A No, sir.
Q Are they over age? A Yes, six.

(1896 Roll, Page 461, #902, Francis Marion Dawson, Delaware.)
(1896 Roll, Page 562, #135, Katie Dawson, Delaware District.)
(1896 Roll, Page 461, #903, Lula Dawson, " ")
(1896 Roll, Page 461, #904, May Dawson, " ")
(1896 Roll, Page 461, #905, Jesse James Dawson, Delaware Dis't.)
(1896 Roll, Page 461, #906, Jacob Levy Dawson, " ")
(1896 Roll, Page 461, #907, Mary A. Donahoe Dawson, " ")
(1896 Roll, Page 461, #908, Laura Albertie Dawson, " ")

Q Is this Lula or Luly? A Luly.

The applicant applies for the enrollment of himself, wife and six children;

Q Were these children all born since you were admitted into the Cherokee Nation? A Yes, sir.

The applicant is shown by the certificate of admission, cited in the testimony, to have been admitted to Cherokee citizenship, by the Commission on Citizenship, January 11th, 1883; he is identified on the roll of 1896, but the representative of the Cherokee Nation desires to make inquiry into the methods of that time, and for that reason, the application of the applicant will at present be placed on a "Doubtful Card." He has lived in the Cherokee Nation ever since his admission to citizenship. His wife was married to him under United States law, and was married prior to his admission; she has never been remarried according to Cherokee law; She has lived with him ever since his admission to citizenship, and she is identified on the roll of 1896. The application for her enrollment will be placed on a "Doubtful Card".

Their six children, as enumerated in the testimony are identified on the roll of 1896: They are living at this time, all having been born since his admission (Applicant's). These children will be placed with him on a "Doubtful Card". The applicant's marriage to the mother of these children is established by the marriage license and certificate filed herewith. If any additional papers, adverse are developed in this case, he will be given timely notice thereof.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Cravens.

Subscribed and sworn to before me this 18th day of September, 1900.

(Signed) C. R. Breckinridge,

Commissioner.

BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment of F. K. Benson and others as Cherokee citizens.

Depositions of certain persons in behalf of the applicants for enrollment mentioned in the title, taken before me, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, commissioned and acting as such, at the office of C. B. Denison in the Shaw-Halsell building in the town of Vinita, Indian Territory, on Thursday the fourth day of October 1900, between the hours of one and a half o'clock and six o'clock in the afternoon of said day, in accordance with the agreement to take testimony, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

T. F. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY C. B. DENISON:

Q State your name, age, residence and occupation?
A T. F. Thompson, 53 years old, I live near Vinita, Cherokee Nation, I. T. I am a farmer.
Q How long have resided in the Cherokee Nation? A All my life.
Q Are you a citizen of the Cherokee Nation as now constituted?
A Yes, sir.
Q Upon what is that citizenship based, blood or otherwise?
A Blood.
Q What, if any official position have you held in the Cherokee Nation, and at what time?
A I was elected to the Cherokee Council in 1870 some odd, I don't remember the exact year, I was also on the Commission Court.
Q Do you remember when that was? A Some time in 1880 or 1881, I think, it may have been earlier.
Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.
Q State, if you remember, how many members of that Commission or Court, there were, and who they were besides yourself?
A There were three, Tehee, Wolf and myself, Tehee was President of the Court.
Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.
Q Did you have a Clerk? A Yes, sir.
Q Do you remember who that was? A D. W. C. Duncan.
Q Do you know whether the members of that Commission beside yourself, are living or dead? A Yes, sir, they are both dead.
Q Can you recollect now what period of time that Commission lasted?
A About two years I think, two sessions, and there was one session each year.
Q Were the sessions of that body held in Tahlequah, open to the public at all times when it was in session?
A Yes, sir.
Q Were the cases coming before that body heard in open session?
A Yes.
Q Witnesses examined orally? A Yes, sir.

Q Judgments of the Court or Commission pronounced in open session?
A In case of decisions I think they sometimes had secret consider... yes, the judgments of the Commission were pronounced openly
Q What you intended to convey by you answer to the former question was that after hearing the proof the Commission or Court delibera... in secret session upon the testimony taken before reaching a decision or announcing it? A After hearing all the testimony we went into secret session.
Q I will present you with a paper which the Notary will mark exhibit "A" and a copy of which he will attach to your deposition, and will ask you if with the exception of the certificate of record by M. L. Bragdon, Clerk, and John L. Adair Asst. Ex. Secretary, you recognise it as a paper you have ever seen before?
A I recognise the signature to it, but don't remember the instrument.
Q Which signature on that paper do you recognize? A My own.
Q That signature is in your own handwriting? A Yes, sir.
Q Do you know whether Thomas Tehee, president of the Commission could write in English or not? A No, I don't think he could.
Q How as to Alexander Wolfe, a member of the Commission?
A I don't think he could write either, I don't think either of them ever wrote except by touching the pen.
Q Were you, and are you familiar with the handwriting of D. W. C. Duncan, the Clerk of that Commission?
A Tolerably well, but it has been a long time since I saw any of it.
Q Will you look at the paper again and say whether you recognize his signature attached thereto?
A Yes, that is his signature to the best of my knowledge.
Q Do you preserve any personal recollection of the application before that Commission of F. M. Dawson and other members of the Dawson family, to be admitted as citizens of the Cherokee Nation by that Commission?
A I remember F. M. Dawson and his brother, that is about the only ones I remember.
Q The question was not as to the personal recollection of the individuals, but as to the claim being presented by the Dawsons for admission?
A Yes, there was such a claim before the Commission.
Q Can you state as to the citizenship of Thomas Tehee, whether he was a citizen of the Nation by blood or not?
A Yes, sir, he was always recognised as such, full blood [illegible]
Q What is your knowledge of Alexander Wolfe?
A About the same, he was also a full blood and recognised as a Cherokee.
Q Judge Thompson, if you possessed or had, or have now any knowledge of any corruption or bribery of the court or Commission, or any member of it by F. M. Dawson or any of the Dawson family or anybody connected with the presentation of their claim for citizenship, state it fully?
A None whatever as far as I was concerned, and I don't think [illegible] by the balance of the Court.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q Do you mean to say Mr. Thompson that your name attached to the certificate shown you is in your handwriting?
A Yes, sir.
Q When Mr. Duncan certified that this is a transcript of the [illegible] in the case, he is mistaken, that is the original?
A No, I don't know, that may be the original, if that is not the original I did not sign it, if it is the original I signed it.
Q You state that the witnesses were examined orally before the Court, don't you know that in almost every case you took ex parte

affidavits of witnesses when those witnesses were not present?
A I think we ruled exparte evidence out, as well as I remember.
Q Did you have any stenographer or anybody to copy the evidence?
Mr. Duncan did all of the copying.
Q Was the evidence copied and preserved?
A Yes, sir, I think it was.
Q What was done with that evidence, where was any of it ever put?
A I suppose it is at Tahlequah in the office of the Treasurer or Secretary.
Q When you went into secret session did you have Mr. Duncan read that evidence to you?
A Yes, sir, we went over the evidence thoroughly.
Q Did you allow the applicants or their attorneys admission to any of your secret sessions?
No, sir.
Q When you got ready to render your decisions did you then send for the applicants or their attorneys?
A No, sir.
Q And you rendered them in secret also, did you? A Yes, sir.
Q Have you any recollection who testified in the Dawson case, as to their claim? A No, sir, I have not.
Q Have you any recollection as to who they claimed their Cherokee ancestors were? A Yes, sir, they claimed the Rogers.
Q Did they claim relationship with any of the present families of Rogers residing in the Cherokee Nation?

The applicant objects to this question as tending to elicit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.

A I don't know that they did, particularly.
Q How would your court determine when they claimed descent through some Rogers family, that that family was of Cherokee blood?

The applicant objects to the question upon the same grounds as their objection to the previous question.

A By the evidence they produced.
Q Didn't you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were citizens thereof? A Yes.
Q Who was the attorney for the Dawsons? A Old man Houston Benge.
Q Could either Tehee or Wolfe speak English? A They could understand, but they never spoke English, they had an interpreter.
Q Did you ever talk to either of them as to whether they got anything for deciding this case? A No, sir.
Q How long were you considering the case altogether?
A I could not say as to that, I think we were on it two or three weeks anyhow, I could not say positively now, they were a long time getting in testimony.
Q There were only two or three witnesses examined all told, were there not?
A I think so, three I think, they had quite a lot of affidavits, but we did not consider them.
Q Well the Court was a good while arriving at its conclusion after the evidence was closed?
A Yes, quite a good while, I don't remember the exact time.

RE-DIRECT EXAMINATION:

Q Do you remember who the interpreter the Commission had during the hearing of the Dawson case.
A His name was Reese, I forget his given name.

Q Do you know whether he is living or dead?
A I don't know, he seemed to be in bad health at the time we had the case up. I think they are all dead but me and Mr. Duncan.
Q What was he, a Cherokee by Blood?
A He was considered a Cherokee by Blood.
Q Do you know where he lived at that time?
A No, sir, he lived in the South part of the Nation though, I think in Sequoyah.

(Signed) T. F. Thompson.

Copy of Ex. "A" to T. F. Thompson's testimony.

CERTIFICATE OF RECORD.

United States of America,
Indian Territory,
Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, hereby certify that the instrument hereto attached was filed for record in my office the 9 day of March, A. D. 1893, at 10-30 o'clock A. M. and duly recorded in book C. Micl Record Mortg. & Liens, page 139,

Witness my hand and seal of said court at Muscogee, in said Territory this 16 day of March, A. D. 1893.

(SEAL) M. L. Bragdon,

Clerk.

Transcript to which this is attached, endorsed on back as follows:

"No. 108, Robt. Dawson et al, VS the Cherokee Nation, Transcript of Judgment, Filed Mar. 9, 1893 10-30 A. M. Marshall L. Bragdon, Clerk.,

OFFICE OF COMMISSION ON CITIZENSHIP,
TAHLEQUAH, CHEROKEE NATION, JANUARY 11th, 1883.

Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly
No. 108 Dawson, Wilbron Dawson, James Dawson, Rial Dawson,
VS,
The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1883, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship, that the claimants, Rob't Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, and Rial Dawson are Cherokees by Blood; and that they are entitled to all the rights and privilliges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they should be, and they are hereby

admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. W. C. Duncan, Clerk of Commission. } Thomas Tehee, President of Com.
Alex Wolf, }
T. F. Thompson, } Commissioners.

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears of the record in my office.

D. W. C. Duncan,
January 11th, 1883. Clerk of Commission.

Executive Department,
Tahlequah, Cherokee Nation,

January 11th, 1883,

I hereby certify that the within named Commission on Citizenship, composed of Thomas Tehee, President, Alex Wolf and T. F. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and Commissioned Commission on Citizenship, and that their actions as such are legal and binding.

Witness my hand the

Witness my hand and the seal of the Cherokee Nation, on the date above written.

John L. Adair,
Asst. Ex. Secretary.

United Stated of America,
Indian Territory,
Northern District,

I, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. F. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. F. Thompson, L. T. M. - N. P. Oct. 4, 1900. " The foregoing copy having been carefully compared by me with the said original.

Given under my hand and seal of office as such Notary Public, this 4th day of October, A. D. 1900.

(SEAL) (Signed) Lewis T. Martin.

Notary Public.

y commission expires Feb 3rd, 1903.,

D. V. C. Duncan being produced by the applicants after being sworn to testify to the truth, the whole truth and nothing but the truth testified as follows:

DIRECT EXAMINATION BY C. B. EMERSON:

Q Please state your name, age, residence and occupation?
A My name is D. V. C. Duncan, my age is 70 years, my residence is Vinita, Indian Territory, my occupation is a farmer.
Q How long has that been your place of residence? A Since 1874.
Q Are you a member of the Cherokee Nation as it is now constituted?
A Yes, sir.
Q Upon what is your citizenship based, a Cherokee by blood?
A Yes, a Cherokee by blood.
Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?
A About that time I held the position of Clerk of the Citizenship Court or Commission.
Q If you remember the names of themembers of that Commission or Court, please give them?
A The President of the Commission was Tehee I believe, and a member by the name of Wolfe whose first name I don't recollect, and Mr. Thompson here.
Q T. F. Thompson?
A Yes.
Q Do you know whether those three members of that Commission were recognized citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?
A They were supposed to be citizens of the Cherokee Nation and their citizenship was based upon their blood.
Q Will you please look at the paper now handed you which the Notary has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will attach to Mr. Thompson's depositions, and state whether with the exception of the certificate of H. L. Dragden, Clerk, and of John L. Adair Asst. Ex. Secretary, you recognize the paper as one you have ever seen before?
A Yes, I think I have seen this before.
Q When, and where, if you remember, did you first see that paper?
A This is a paper I drew up at the time I was acting as Clerk of the said Citizenship Court.
Q Looking at its date, was it drawn at you at the time it bears date?
A To the best of my recollection it was drawn at the date specified.
Q Do you recognize the signature to the certificate attached to that paper?
A Yes, that is my signature.
Q State if you know, in whose handwriting the body of the paper is?
A It is in my handwriting.
Q And at that time you were Clerk of that Commission? A Yes.
Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and state if you can, by whom they were written?
A I think the first two is my handwriting, the last I recognize that as T. F. Thompson's.
Q Explain please, how you came to write the signatures of Thomas Tehee and Alex Wolfe to that paper?
A Thomas Tehee and Alex Wolfe were full bloods and could not write, and in their presence, and at their request I wrote their signatures.

Q Was that the usual manner of certifying to the action of the Commission to applicants as to the decision of their application for citizenship, where admitted?
A In all instances where it was necessary for the Court to sign a paper of any kind it was adopted by that Court for the Clerk to sign Tehee's and Wolf's names and T. F. Thompson to sign his own name.
Q You didn't catch exactly my idea, but perhaps that answered it, what I intended to call you attention to, was whether when applicants had been admitted to citizenship a paper of this kind now shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?
A My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was entered upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.
Q If you had any knowledge at the time the application of the Dawson family, F. M. and others whose names are mentioned in that paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. M. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?
A I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind is what has originated recently, since the enrollment business has been inaugurated.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q If as you certify, this paper was a transcript of the record, why did you have the judges sign it?
A I know no reason further than that was the practice at that time, the members of the Court being present I presume it was thought it would be as good or better than the signature of the Clerk.
Q Examine that signature of Mr. Thompson, examine the first T in his name and the T in Tehee's name and see if it is not all your own handwriting?
A No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accidant.
Q How was the evidence taken in those cases?
A It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q Do you know whether that evidence is in existance or not?
A I do not, the last I saw of it was when I turned the records over to the Executive office at Tahlequah, and I have not seen it since.
Q You say you never heard any talk about this being an improper case until very recently?
A Well, that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can safely say that did not.

Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross-examination.

A They claimed their right of citizenship through a man by the name of Rogers, I don't recol ect his first name.
Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?
A I do.

(Signed) D. W. C. Duncan.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do certify that the foregoing depositions of T. F. Thompson and D. W. C. Duncan were taken before me at the time and place and in the action mentioned in the caption, and said T. F. Thompson and D. W. C. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence; the claimants being present in person and by their attorney C. B. Denison, and the Cherokee Nation being represented by W. T. Hutchings Esquire its attorney,.

Given under my hand this 4th day of October, A. D. 1900.
(SEAL) (Signed) Lewis T. Martin.

Notary Public.
My commission expires 2/3/1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1903.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation,... He being sworn and examined by the Commission, testified as follows:

Q What is your name? A Francis Marion Dawson.
Q How old are you? A Soon will be sixty years old.
Q What is your postoffice address? A Afton now, it used to be Oceana.
Q What was the name of your wife? A My first wife was Julia Ann Howard.
Q She was a white woman? A Yes, sir.
Q When were you married to her? A I think it was the 8th of January, 1864.
Q Where were you living at that time? A In Arkansas.
Q Who married you? A A man by the name of Dave Sturdy.
Q Was he a preacher? A Yes, sir.
Q A Minister of the Gospel? A Yes, sir.
Q Did you and she live together as husband and wife up to the time of her death? A Yes, sir.
Q Did you have any children by her? A Yes, sir.
Q What are their names? A Willis P. Dawson.
Q The next one? A Francis Marion Dawson Jr.
Q The next one? A Johnnie.
Q The next child? A Elizabeth.
Q The next one? A Arizona Allred.
Q Those are all the children you had by your first wife? A Yes, sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Joseph R. Dawson.
Q How old are you? A I will be 51 the 13th day of June.
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes, sir.
Q How are you related to him? A Brother.
Q Did you know his former wife, Julia? A Yes, sir.
Q Is she living or dead? A She is dead.
Q Was she a Cherokee or white woman? A I couldn't say what; they married in the states.
Q Do you know when he was married to her? A Yes, sir.
Q When was it? A About the close of the war.
Q Who married them? A Parson Sturdy.
Q Were you present when they were married? A Yes, sir.
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes, sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:
Q What is your name? A John K. Stevens.
Q How old are you? A 56 years old.
Q What is your postoffice address? A Afton.
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes, sir, as we call him, Mud Dawson.
Q How long have you known him? A My first acquaintance with him was in '61.
Q Did you know his first wife, Julia? A Yes, sir.

Q Do you know whether or not they were married? A Yes, sir, they were married.
Q Were you Present at the Marriage? A No, I wasn't present at the marriage.
Q Did you see them soon after their marriage? A Yes, sir.
Q Did you continue to know them for any length of time afterwards? I knowed them as long as she lived.
Q During the time you knew them did they live together as husband and wife? A Yes, sir.
Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following Cherokee cases:
Arizona Allred et al D-635, John Dawson, D-680, William R. Dawson D-681, Lizzie Dawson D-684 and Francis M. Dawson Jr. D-688.

—o—

I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) E. C. Rothenberger.

Supl.-C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 17, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS M. DAWSON, ET AL., as citizens of the Cherokee Nation:

The case having been set for final hearing March 17, 1902, the following proceedings are had:

APPEARANCES:
Mr. A. S. McKennon, of counsel for applicants;
Mr. W. T. Hutchings, of counsel for Cherokee Nation.

Mr. Hutchings: Comes now the Nation on the calling of this case and announces that it is ready for trial, provided permission is given to hereafter examine before the Commission, either at this place or Fort Gibson, the witness S. H. Benge, who has been regularly summoned to attend at this day and time but who is too sick to travel at this time and probably will be for some time to come. As evidence of a good faith of the Nation we hereby present an affidavit of the facts sought to be proven by the said Benge. If the applicant's counsel are willing to concede that the witness if present would testify to the facts herein set forth, the Nation is ready to proceed to trial without reservation of any kind. If they are not it desires to reserve this privilege of hereafter, either tomorrow or otherwise, this case being set for to-day and tomorrow, of examining before the Commission, or its authorized officer, this witness as above set forth.

Mr. McKennon: Applicants object to the introduction of the paper presented and do not admit that the witness, Samuel H. Benge if present would testify to the facts therein stated. They consent and desire that the testimony of said Benge be taken before the Commission at its office in Muskogee but not elsewhere, and protest against it being taken at any other place, with the understanding, however, that when taken we have opportunity to introduce any evidence we may desire in rebuttal.

Mr. Hutchings:
The Nation will pay all the expenses of the opposing Counsel, their client and Commission officers in taking the deposition at Fort Gibson.

Commissioner Breckinridge: The allegations of this witness are material in their character and are quite tangent. The Commission of its own volition would acquire information of that character if it knew of its existance anywhere. While the functions of the Commission, as well known are in many respects judicial, yet it is bodied with somewhat complex powers, such as Congress creates from time to time to do business of certain character, and it is ordered to make a correct roll, which is a duty largely independent of hearing simply what is brought before them; it must be the architect and constructor of that roll and if evidence is not brought before before the Commission it must go out and get it, to be uniform on that construction of the law. The Commission, therefore, desires this information independent of any counsel on either side both with respect to the applicant and to the Nation, and if this witness is

is not able to come one of the Commissioners will go to Fort Gibson and to his bed-side, or send a proper official, if necessary to take his testimony. The only matter to consider, therefore, is one of convenience with respect to getting this testimony. Now, I understand that this witness is an extreme sufferer from Bright's Disease he is an old man and he may never be able to get out of the house, and it may be an injustice to him to subject him to a trip here, and therefore it seems to me better that counsel for plaintiff submit to a form of taking a deposition or else accompany an official of this Commission over to Fort Gibson and let his testimony be taken there.

After consultation with the attorneys upon the two sides it is found to be agreeable that the parties start to Fort Gibson to-morrow morning at half past eight o'clock, and it is agreed then and directed with an official of the Commission with a stenographer leave from the office of the Commission for Fort Gibson at 8:30 to-morrow morning.

FRANCIS M. DAWSON, the applicant, re-called for additional cross-examination on part of the Cherokee Nation:

MR. HUTCHINGS:

Q What is your name? A Francis M. Dawson.
Q Where do you reside? A In Afton.
Q You have been examined in this case heretofore, have you?
A I don't know which case it is.
Q In your own case? A Yes, sir.
Q Are you the one that is commonly called Bud Dawson? A Yes, sir.
Q You made the original application in the Dawson family for admission to citizenship in the Cherokee Nation, didn't you? A No, sir; my brother.
Q What was his name? A A. E. Dawson.
Q You and Robert Dawson and Elbert Dawson and others applied in November 24, '81, about that time? A Yes, sir.
Q And you were admitted about the 11th of January '83? A Yes, sir.
Q There were other members of your family that applied and were admitted after that time? A Yes, sir.
Q Do you or not remember the evidence offered in their cases to substantiate their cases was the relationship between yourself [illegible] and others and the evidence of your admission by the Tahlequah Court. In all the subsequent admissions I mean the only evidence offered was the fact that you and your brothers had been admitted before and that they were kin to you; that was the only evidence offered in any subsequent cases, wasn't it; so far as you know?
A That is afterwards?
Q Yes, afterwards? A I think there was some other evidence introduced.
Q Don't you know that there was never any evidence offered in any other case except evidence of Dr. Baker of Arkansas? A No, sir.
Q Who else? A Oliver Miller.
Q Who was Oliver Miller; the records in this case have been destroyed and mutilated? A Oliver Miller [illegible]
Q What was he, who was he? A He is an Indian, I was told.
Q Well, what station in life did he occupy; was he a farmer?
A Yes, sir, farmer.
Q Were you present when he testified? A Yes, sir.
Q Were you present when Dr. Baker testified? A Yes, sir.

Q Have you a fair recollection of the testimony of those two men?
A No, not at all.
Q You don't read do you, Mr. Dawson? A No, sir, I dont read nor write; I can barely write my name.
Q Do you think you would remember the testimony of Mr. Baker if your mind was refreshed on it? A Part of it I think.
Q Were you present when you were admitted? A I was not in the room.
Q You were in Tahlequah at the time? A I was in the town of Tahlequah at the time.
Q I will read this paer to you and desire for you ro say whether or not it was the testimony of Dr. Baker in your case:
(Affidavit of Dr. Arthur Baker read to witness, and asked to be copied in the record later.)
Q Is that the correct transcript of the testimony? A It has been so long ago, I could not say; a part of it is, I could not remember it all.
Q Does that state the facts as to the family history correctly so far as you know about it? A So far as I know.
Q Now, you were a son of what Dawson? A Robert Dawson.
Q How many children did Robert Dawson have, and give me their names?
A Elbert Dawson, the oldest; Lila, Jesper, Francis Marion-
Q That is yourself? A Yes, sir; Elizabeth Dawson, Josephine Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson, Edna Dawson, Mollie Dawson, Wilburn Dawson.
Q Thirteen? (No response.)
Q Now, Rober Dawson's father was whom? A Sam Dawson.
Q Who was Sam Dawson's wife, your grandmother? A I have been told.
Q By family history is all you know? A She was called Polly Dawson.
Q Who was Anna Pruitt? A I don't know.
Q Never heard of anybody in the family by the name of Anna Pruitt? A No, sir, that was away back in the old country; I have heard talk about it, old Dr. Baker talked about it.
Q Your grand-mother's name was Polly Dawson? A Yes, sir; I don't remember seeing her but once, she died when I was small, died in Texas.
Q Pollie Dawson? A Yes, sir.
Q Ans she was known to be Pollie Rogers, her maiden name? A Yes, sir.
Q Daughter of Captain John Rogers? A Yes, sir.
Q Now, she died in Texas what time? A I don't remember.
Q Can't you guess at it? A Oh, I could guess.
Q Give your best recollection? A About '58 or '59, or no, '48 or '49; I don't say positive, just guessing at it.
Q How old a boy were you then? A I was born in '42.
Q Have you any distinct recollection of her? A No, sir.
Q Have you any recollection of all the children of Sam and Pollie Dawson; that is, your father, uncles and Aunts? I didn't see all of them.
Q Do you know by family history the names of all of them? A Yes, sir.
Q Will you give them to me?
A Betsy Ann Dawson, I believe her name was.
Q Did she marry a Petty? A Yes, sir; the next is Robert Dawson.
Your father? A Yes, sir.
Next one? A I think the next was James Dawson, and I think the next one was a girl, Edna Dawson.
Q Did he have two daughters? A Yes, sir.
Q Well sir? A The next one was Joe Dawson; I never saw him; Lila Dawson.

Q That is Samuel R. Dawson, Riley Dawson? A Yes, sir.
Q Any other one? A That is all I know anything about.
Q Did he have any child by the name of John? A Yes, Jack.
Q Didn't you get Jack misplaced with Joe? A No, it was Joe; I have heard my father speak of him.
Q Then they have seven children? A I never saw them all.
Q How many of them did you ever see? A I saw uncle Riley Dawson and James Dawson and Jack Dawson and Betsy Ann Petty; I don't think I saw but one of Pa's sisters and brothers, they went to Mississippi I think.
Q Do you find what your family history says that the mother of your grandmother, Pollie Rogers' name was? A We have no history.
Q Well, as it was brought down to you did you ever hear anybody say what your great grandmother's name was? A No, I don't remember.
Q What is that other man, Oliver Millerthat testified in your case? A He testified in Jesse Dawson's case; he never testified in my father's case.
Q Well, didn't anybody testify in your case but Dr. Baker?
A Yes, sir, several other witnesses.
Q Who were they? A I don't remember; my mother got them witnesses around Tahlequah, old people.
Q Were you present? A No, sir.
Q You were only present when Dr. Baker testified? A Yes, sir.
Q Now, do you find any mistakes in Dr. Baker's statement there? A I could not say all of them was correct or not, part of it is correct.
Q What part is correct? A Why about knowing the family over there.
Q Who is Buck Dawson? A My brother.
Q What is his name? A We always called him Buck, it is Elbert, E. Dawson.
Q Who went with you the first time you went up to make application for citizenship do you remember? A With my brother.
Q The first time? A I met my brother in Texas.
Q Which one? A E. Dawson.
Q That is Elbert or Buck? A Yes, sir.
Q You were living in Arkansas? A Yes, sir.
Q And he was living in Texas? A Yes, sir, and another one of little brothers, Dr. Dawson now:
Q Dr. Dawson now? A Yes, sir.
Q What is his name? A James.
Q And you three went there? A Yes, sir.

Mr. McKennon: Applicants by their counsel object to all the statement of the witness relating to the testimony introduced before the Cherokee Citizenship Commission, and the history of the family as detailed by him, because the same is incompetent and irrelevant, and cannot be used for the purpose of impeaching the integrity of the judgment of said Commission, or either of the Commissioners in admitting members of the Dawson family.

Commission: The objection of the Attorney for the applicants to the testimony above will be noted. The same will be filed and noted for what it is worth.

(Attorney for applicants waives examination.)

C. H. TAYLOR, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A C. R. Taylor.
Q Where do you reside, Mr. Taylor? A Mr hear Coffeyville.
Q Were you an attorney before various cities Chin Courts along in '01 to '8' in the Cherokee Nation at Tahlequah? A Yes, sir.
Q Were you attorney for F. M. Dawson commonly known as Bud Dawson? A Yes, sir.
Q Were you present at the taking of testimony in that case? A No, sir; I wasn't present.
Q Do you know who composed the court that decided the case at that time? A Yes, sir,
Q Who were they? A Tom Tehee and Alex Wolfe and Tommy Thompson.
Q Do you know whether or not they were all there when the case was decided? A No, sir, there was only two of them present.
Q Which two? A Tehee and Wolfe.
Q Who was the Clerk of the Court at that time? A Mr. Duncan, D. W. C. Duncan.
Q Do you know what witnesses were used in the case of Bud Dawson? A No, sir; now I was the attorney in the case and the evidence had already been filed before the Court.
Q When were you made attorney? A I was only called in as an attorney at the— Well, Mr. Duncan came down there, and Mr. Bryant had the case and several other attorneys had the case and he employed me.
Q Did you read the evidence in this case? A No, sir.
Q Did you deliver any money? A Now, I was the attorney in the case and I don't think it would be right for me to make any statement.
Q Now, you have claimed your privilege, I ask that you answer the question? Did Dawson ever send you any money with the direction to pay it to either member of the Court or the Clerk of the Court, D. W. C. Duncan, and if so what the amount? A I had a heap of trouble over this matter.—

Commission: Just answer the question, Mr. Taylor.

A Again; the attorney I don't believe it is right for me to answer that question.

Commission: Do you refuse to answer? A Yes, sir.

Q Did the matter to which you object to testifying occur prior to the rendition of the decision admitting to citizenship or afterwards? (No response)

COMMISSIONER BRECKINRIDGE:

Q Do you desire to reply to the last question? A I don't think it is right; I was attorney in the case.

Q Mr. Taylor, do you object to answering that question? A Yes, sir.

Q You refuse to answer that question, do you? A I had rather not answer it.

Q Either answer it or say you won't answer it? A I had rather not answer it.

Q Mr. Taylor, you have answered a number of questions down to this point, but it is at this point that you prefer to plead your privileges, as an attorney, do you? A Yes, sir.

Com'r Breckinridge: The power in regard to these matters is lodged in the United States. The Court is clothed with special power with reference to matters that arise through this Commission. Of course the Commission derives said to Government

made for the sake of a correct roll the fullest information possible, but it is subject to the limitation of law, and it is not for this Commission to decide of the law in a matter of this character with any authority as I understand it at this time, but to report the matter to the United States Court and let the Court pass judgment.

Under Section 21 of the Curtis law as it is commonly called Act of June 28th98, the members of the Commission shall in performing all duties required of them by law, have authority to administer oaths, examine witnesses and send for papers and persons, and the court is clothed with authority to enforce obedience. The law having enumerated certain powers goes on to say so far as all others are concerned to enable said Commission to take rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work. Now, the Commission will report the facts to the United States Court and let the Court decide whether or not you are within your lawful privilege. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what what is commonly considered a matter of privilege--according to an authority referred to by an attorney, but the enforcement of an answer seems clearly to be a matter for the Court to deal with.

Q Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct that you make answer, and if you refuse I shall report the matter to the United States Court: do you refuse? A Yes, sir.
Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer: viz: as to whether Mr. Dawson sent you money to pay to the Court or to any officials of the Court, it seems to come to the question as to whether there was any collusion between you and Mr. Dawson and any member of the Court; now, I understand that you refuse to answer that question upon the grounds that you were Mr. Dawson's attorney? A Yes, sir.
Q Now, I require that you answer that question, do you refuse?
A Yes, sir.
Q I shall also report that refusal to the United States Court as it seems to come under the provision of law, relating to conspiracy between you and Mr. Dawson which apparently considered a privilege matter, and you base your refusal now, not upon the ground that you are incriminating yourself, but that you were counsel for Mr. Dawson. I will report the matter to the Court and you will be informed as to the time of any proceedings in the matter I caution you not to talk with Mr. Dawson or any of the applicants in this case.

Mr. McKennon: Applicants do not object and have not objected to the witness answering on account of his privilege as an attorney or for any other cause whatever, they only want to object to the incompetence and irrelevancy of the testimony, with the privilege of cross-examining upon any testimony given by the witness.

COM'R BRECKINRIDGE:
Q You still refuse having the consent of the attorneys in the case to make answer? A I will just ask your Honor to let the matter go over until morning.

Commissioner Breckinridge: It will rest until in the morning at its present status; it is after business hours now.

As for the objection made by Captain McKennon, Counsel for the applicant, it will be taken into consideration, but will not be granted at the present.
(The Commission adjourned until 1:30 P. M. to-day or afternoon, March 13, 1900.)

Supl.-C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., March 10, 1908.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS H. DAWSON ET AL., as citizens of the Cherokee Nation:

Appearances:
Mr. A. S. McKennon, of Counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

SAMUEL H. BENGE, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Samuel H. Benge.
Q Where do you reside? A Fort Gibson.
Q How old are you? A I am 70 years old, going in 71.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; Cherokee by blood.
Q State what official position you have held in the Cherokee Nation and what your general connection with the Nation officially in the last 40 years? A Well, I held several; I have been Sheriff, Councilman, Senator, Delegate to Washington; had a hand in making the treaty of 1866, I am the only one living that signed that treaty; President of the National Council of different tribes of Indians.
Q Were you acquainted with F. H. Dawson, commonly called Red Dawson? A Yes, sir; I knew him.
Q State you connection with and what you know about his citizenship case before what is known as the Thomas Tehee Citizenship Court? A Mr. Dawson come down, I was living down below here, he come and employed me to tend to his case and we went to Tahlequah, I believe it I ain't mistaken in 1901 and filed his case there; we went several times and continued his case on for the want of evidence, and finally while we was up there we run across one old darkey by the name of Tosh Rogers; we got his testimony and after we got that testimony we concluded that it was sufficient to go into the trial with. Tosh lived here at Fort Gibson, he was a horse trainer and here and stayed here; he claimed that he knew the Rogers and belonged to one of them and after that we thought we had sufficient evidence we submitted our case to the Court for trial, and the Court went to work and rendered a decision against Mr. Dawson. I told Mr. Dawson right there that "our case is dough", just made that remark, and he just made the remark "never mind", and next morning they taken up his case again and they rendered a decision in his favor. I filed no petition nor any evidence at all whatever; I have the case up right there and the decision was then given in his favor, and on our way back from Tahlequah, why we got to talking about the case and I told him: "It was a pretty hard blow when they rendered that decision against us." We said: "Yes, but Dunlap's not to blame", and he paid me about five hundred dollars.
Q What position did Dunlap occupy? A He was Clerk of the Court.
Q Was he educated man or—? A Yes, sir, he was a educated man.
Q Who were the members of the Court? A Tom Tehee, Alex Wolfe and Mr. Thompson.
Q How many of those cases did you file at that time? A One.
Q Who was A Thomas.
Q Who was Attorney for the Nation in those cases? A Mr. Sawyers.

Q What was his given name? A Wilson Sanders; was it Wilson Sanders?
A Wilson Sanders.
Q Was he an educated man, or could speak English well? A No, sir.
Q Did Mr. Dawson say anything about the matters having cost him a good deal of money? A He said it had cost him a right smart.
Q Was any remark made on the way back about the opening up of the case, and if so, what? A He asked me if I thought the case would ever investigated eventially and I told him I didn't know.

MR. McKENNON:

Q Were you ever a witness in the Dawson case, Judge, in any of those investigations that have been made since that time? A I don't know that you might call it a witness; that young man came to me once at Tahlequah, and asked me to help him up there that the case was going against him, him and his mother and all was about knocked out and I interceded and done what I could there before the committee. I was not a witness but that is as far as I don't fo[illegible] him.
Q That was Mr. Graham, wasn't it? A Yes, sir.
Q Have you had conversations with Mr. Graham since that time about it? A Now, I might, I don't recollect, I might have had conversations with him.
Q Well, after the Dawes Commission began taking a census of the Cherokees and when they were about Sallisaw down here, did you have a conversation with him here in Fort Gibson about the matter? A Now, I just can't tell you; I have seen him on several occasions, but the conversations we might have had I can't state.
Q To refresh your memory I will ask you if he did not tell you that they were making a fight on the Dawson family and he wanted to know of you whether that judgment in favor of Robert Dawson's family was fairly rendered, and did you not then tell him that it was all right, that it was fairly obtained? A Not as I recollect of; all he said; that is as I have stated he talked to me in regard to his father, himself and probably his brothers and sisters, I don't recollect how many there were, but he told me they were rejected, that is just the words he used.
Q That? A It was been something so.
Q Here in Fort Gibson? A Well, that is I saw him here in Fort Gibson, and then I saw him in Tahlequah.
Q Well, did he here in Fort Gibson ask you particularly about the Robert Dawson judgment, as to whether it was fairly obtained or not? A No, sir; he was basing his claim on the Dawson case, that is the way he-
Q What is the principal Dawson family? A Yes.
Q Whom was this other written statement here made, when was this made by you? (referring to affidavit heretofore referred to.)
A Yesterday I reckon.
Q Who came to take this? A Mr. Starr.
Q Who else was present when this was taken? A No, sir.
Q Who had you told about this matter, Judge? A No one as I know of.
Q Do you know how it was that they knew that you knew him?
A No, sir.
Q You never made any statement? A Never made any statement that I recollect of except I might have talked with Scales, I have talked about these cases a good many times; if I ever made a statement it was to Joe Ab Scales.
Q Now Mr. Starr who? A I could not tell you who it was.

Q He came alone here as a Notary Public? A He came alone here as a Notary Public. All he said when he come, he says "we understand that you know something in regard to these cases", I said " what case," and he went to work and named Shoemake case and Dawson case.
Q And thereupon you made this tatement? A He said he wanted to qualify me.
Q Are you certain Judge that after the rendition of tht judgment Mr. Dawson came back here to Fort Gibson with you?
A Yes, sir; we was together.
Q Let me ask you if it was not a very cold day when he came here and he went over ahead of you and you went over to Tahlequah the next day or two after he left? A My recollection was he and I went together.
Q And returned here together? A Yes, sir.
Q Did he not leave you there and go back direct to Arkansas?
A No, sir, we came here together. If my memory serves me right, I might be mistaken but then I don't believe I am, he came from Webbers Falls up here to my house, that is according to his statement.
Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.
Q How didthey pay you? A Paid me the money.
Q Who paid it to you? A Dawson there and that fealow, young fellow paid me some.
Q Mr. Graham? A Yes.
Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.
Q I will ask you if Mr. F. M. Dawson here did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you $50 that they paid you? A No, if I ever got a letter of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over i Arkansas, but not living down in Texas, I don't know about it.
Q Where did he pay you the money? A Paid it here at home.
Q Before you went out? A He paid me fifty dollars before we went up and when we went up yonder he paid me fifty dollars more; if you want to know what I got, I got one hundredn dollars.
Q You were acting as his attorney in the case? A Yes, sir.
Q How many judges were there present when the judgment was rendered? In his case?
Q Yes, sir. A Well, according to my recollect there was all there, but if they were not all there, Tom Thompson was sick. Tehee and Wolfe.
Q Don't you remember that they were all present? A No, I think they were present though.
Q Who else was present at the time? A Oh, I could not tell you, there were several people in the house; could not tell you at all.
Q Were there several in the house the evening before the judgment was rendered against them as you say? A Yes, there were several in the house.
Q And several in the house when the judgment was rendered the next day? A I don't know how many there was.
Q Do you remember the names of any of them? A Why not exactly, mostly full bloods.
Q How long didyou remain out at Tahlequah on that trip?
A I guess I was there about three days.

Q Tending to this case alone, or did you have other cases? A no, sir.
Q Do you know of your own knowledge that the judges received any money (this question asked at the instance of Mr. Graham present) A I don't know whether the judges received nay or not.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

March 18, 1903. Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. H. TAYLOR takes the stand and continues his testimony.
BY MR. HUTCHINGS:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today; have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held as in contempt of the Court.
Q You would be held in contempt and the other Court would make you answer? A That being the case of course I would make a statement.
Q Are you acquainted with D. W. C. Duncan, the Clerk of what is known as the Tehee Citizenship Commission Court? A Yes, sir.
Q Did you ever have any conversation with him about letting him know of the different character of cases that would come up before the Court that you knew of, whether they were good ones or bad ones? A No, the only thing that ever come up in that respect; he asked me if whatever large cases that would come up before the Court to let him know.
Q Did you have any talk with him about the Dawson case during the progress of its trial or before and ever introduced Mr. F. M. Dawson to him, or carry him to him? A I spoke to him when Mr. Dawson came to Tahlequah to see about his case, and he said that he would take the papers over to his room, the Dawson papers.
Q Did you see him again that night? A Yes, sir; after supper I went down to his room.
Q Did he ask you about the Dawsons or Dawson case? A He asked me where Dawson was.
Q Which Dawson are you referring to now, F. M. Dawson, known as Bud Dawson? A Bud Dawson.
Q Well, what didyou reply to him? A I told him that I thought he had gone to church.
Q Did you find Dawson after church? A Yes, sir, he told me to come and bring Dawson down and I did so; Dawson was in church.
Q You carried Dawson to him? A Yes, sir.

Q Did you remain during the conversation? A Only a minute.
Q What was said if naything while you were present? A Mr. Duncan spoke to Mr. Dawson and says "there is a hitch in your evidence."
Q Go ahead and state what else he said? A He said "if that was straightened out it would be all right," and I turned and went away, I says, "gentlemen, I will go home."
Q Did you know of their having any other conversation or communication after that? A No, sir.
Q You left them there together yourself? A Yes, sir.
Q Did Mr. Dawson give you any directions the next morning about submitting the case? A Yes, sir, he asked me to call it up the case.
Q The next morning? A Yes, sir.
Q Had there been any additional evidence offered? A No, sir; there was not additional testimony offered.
Q He told you the next morning to call up the case? A Yes, sir.
Q Was it called up and submitted the next morning? A Yes, sir.
Q Now, how many of the members of the Court were there present that morning? A There were only two, two full-blood Indians.
Q Could they speak english at all? A Tehee could talk a little, talk some.
Q Did that Court have open sessions all the time or what is called executive sessions sometimes? A Well, I don't remember about that; it was generally when the case was submitted the attorneys would go out. The parties would go out and they would determine the case.
Q Well, did they go out into that sort of executive session the next morning on the Dawson case? A Well, we went out when the case was submitted.
Q And was the decision rendered that morning in their favor? A Yes, sir.
Q Who notified you of the decision of the Court? A Why, Mr. Dawson.
Q Do you remember whether he went out with you or was in there during the consideration of the case? A I think he went out with me.
Q Did you at any time thereafter receive any money, checks or other evidence money from Mr. Dawson with direction to turn it in part over to D. W. C. Duncan, the Clerk of that Court? A Mr. Dawson gave me 20 dollars and said he would send the balance in a short time, said he would send some more money in a short time.
Q Well, did he send any money afterwards? A Yes, sir, in the course of ten days or two weeks he send a hundred dollar check, draft.
Q What did he direct you to do with it? A He directed me to give D. W. C. Duncan half of it.
Q Did you give him half of it? A Yes, sir.
Q Did he send you any at any other time after that? A Well, in the course of a couple of weeks he sent me a hundred dollars more.
Q Did he direct you to turn any of that and if so how much, to D. W. C. Duncan? A He told me to give him half of it,
Q Did you give him half of it? A I did, sir.
Q Do you remember whether on Dr. Arthur Baker was the principal witness in behalf of the Dawson case? A No, sir, I don't because I never had any connection with the case, but I heard that he was a witness in the case.
Q No argument was made when you submitted the case? A No, sir.
Q Just submitted it on the testimony? A Yes, sir.

MR. McKENNON:

Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Were you born and reared in the Cherokee Nation? A No, sir; I was born in the old Nation.

Q When did you come to the Cherokee Nation? A Come here in 1355.
Q How long have you been practicing law in the Cherokee Nation?
A I think since '88.
Q You have done a great deal of citizenship business haven't you?
A Yes, sir.
Q You were in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.
Q Were you convicted there? A Yes, sir; I was convicted there on this very case.
Q And served a term of what length? A I was sent to the jail hospital for sixty days and I stayed in about 38 or 39 days, and I was released.
Q When was that? A I don't remember how long ago it has been.
Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention; Clem Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.
Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the mail for fraudulent purposes.
Q Sending out propositions and obtaining case for citizenship for people [illegible] Cherokee Nation? A No, sir, it was for answering correspon[illegible].
Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went before the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.
Q Well, now, was the charge based upon that or was it based upon your letters you sent out to other people? A That was the charge for using the mail for fraudulent purposes.
Q The use of the mails for fraudulent purposes not in connection of this case was it? A Not particular of this case.
Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is what you mean to say? A Yes, sir.
Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.
Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.
Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.
Q Yet when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occured between you and your client, Bud Dawson, in relation to this matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.
Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he summoned me and I come down here and I didn't want to make a statement to him but he insisted.
Q He had no power to compel you to make a statement? A No, sir.
Q You could then make it very freely and your conscience did not hurt you, but when you came on the stand you became very conscientious about it? A I didn't want to make a statement at all unless I I would be put in jail here if I didn't.
Q But you had armed them with information by which they could ask you these questions when you came on the stand? A I had told Mr. Hastings.

Q You knew when you gave him that information that you would be brought on the stand as a witness, did you not, by reason of that?
A No, I didn't know that I would be compelled to make a statement in the matter, a sworn statement.
Q You thought you would not be compelled to answer?
A I didn't think the law would compel me to make a statement.
Q Why then did you make a statement to him about it? A Oh, he was asking me about it, and I told him that I didn't want to make a statement, and I didn't for quite a while after I came down here.
Q When the enrollment division of the Dawes Commission was in Tahlequah, in the winter of 1900, did you not there meet F. M. Dawson and did you not then and there say to him "I told Shoemake I would be for him if he would employ me in his case and if he didn't I would be against him, and the same to you?" A No, sir; I said to him this: I says that if there is not something done that I will likely be summoned against you and Mr. Shoemake both.
Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it. I was going out of town just as he came in.
Q When you told him if something was not done you would be summoned as a witness against him; what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.
Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?
A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your client to you in one instance, but if a little more money was put up you could not be required to make a statement; is that what you mean? A I didn't think I could be forced to make a statement at all in the matter.
Q Why did you make that expression to him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I meant if I was employed in the case.
Q If he would put up you would not testify? A That they could not force me to testify.
Q About the month of February, 1901, in the town of Wagoner, Indian Territory, did you not send your son to get Graham to come to the hotel at night, and did you not then and there say to Gid Graham; "you people are on the doubtful list and if you will give me $500. I will make it all right and see that you are enrolled and if you don't I will se that you don't get on"? A No, sir; I got a letter from Gid Graham in which he asked me to certify that the case was all right and after I met him I told him that I could not do it, that the case was crooked, he then said to me, he says, "I will give you a hundred dollars", he says "will you take a hundred dollars," I said "no, sir." I didn't make any bid, that is I didn't set no price with him.
Q You did not say to him that [illegible] embraced in that question [illegible]? A No, sir.
Q You did have a conversation with him about that time and at that place, did you not? A Yes, sir.
Q You say you didn't make any bid or set any price? A No, sir; he offered me a hundred dollars.
Q Why did you send for him to come to the hotel? A In answer to his letter.

A Did you not ... yesterday morning on the street in Muskogee, Indian Territory, in a conversation with W. H. Shoemake say to him: "You have made a great mistake in not keeping in your employment and no have the Dawsons and it will go hard with you and you will rue it"? No, sir; I says to Mr. Shoemake, I says: "Who have you employed in your case," and he says "Judge Thomas and Mr. Owen." I said "It might have been a advantage to you if you had retained me in yours rather;" Well, he says "there was nothing wrong in my case" and I says "no, there is nothing wrong on earth in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I says "there is not a thing on earth wrong in your case as I know it cause go fairly and squarely and decided in your favor."

Q You said nothing to him about the Dawson case? A Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am summoned on the part of the Nation and I don't want to make a statement and I wont if I can possible avoid it."

Q Was that before or after you talked with Mr. Hastings, the representative of the Nation? A It was afterwards.

Q You meant by that if you had refused to answer you would have gone to jail? A No, sir; if they had employed me before hand I need not now.

Q You mean that if they had employed you before hand you would not have given this information to Mr. Hastings? A I would not be required, being the attorney.

Q Were you required to give him the information; did you know that you had to give him any information? A Who do you mean.

Q Mr. Hastings. A I did refuse him and he insisted.

Q Well, he no authority to compel you to do it? A No, sir; I don't know whether he did or not.

Q As a lawyer you knew that he did not have authority to compel you to make a statement to him? A I told him that I was an attorney in the case and I didn't want to make any statement at all.

Q Why did you do it? A Well, he intimated to me it would go any further. He said to me "I will not make this matter — I will not use it;" that is, what I stated to him was sort in confidence.

Q And he pledged you his word that it would not be used? A Well, told him I could make a statement in confidence, and that I didn't want to make a statement before the Court.

Q Well, what did he reply, as you said just now? A Oh, he says make the statement and then I told him—I regretted very much to do it, and I regret very much to make a statement here. I tried to avoid it yesterday.

Q You stated just now that he said it would not be used; did he say that or not? A Well, something to that amount; oh, he says it wont make any difference or something to that effect.

Q Now, don't you know that Mr. Hastings did not intimate to you that the statement he was making you to make would not be used? A Well, I didn't think that I could be forced to make a qualified statement before the Court here, because I thought my license would protect me in that matter.

Q Yet it did not protect you or prevent you from making a statement to the attorneys for the Nation? A No, sir.

Q Now, in this conversation with Shoemake to which I before referred, did you not ask him to again employ you and tell him if he said you would make it all right for him? A No, sir. I didn't say that; no, I said if so and employed me in the matter "maybe I could do you better for you." Now, he offered me when I was down here last week, he offered me five dollars to go to ... and get the lawyers on the matter, I did not go I am sorry.

Q That was not your price? A No, no, I had nothing to say in his case that would be to his advantage; I knew nothing against him.
Q Now, then, you say that your were present on the morning that the judgment was rendered in favor of the Dawsons? A I was not in the Court house.
Q You were present in Tahlequah? A Yes, sir.
Q How long had you been at Tahlequah? A I was living there at that time.
Q When were you first employed by them? A By Dawsons?
Q Yes, sir. A The evening before the case was tried.
Q You say that after the judgment was rendered Dawson handed you $20? A Yes, sir.
Q And told you to hand to Duncan? A No, sir.
Q What was your statement? A That he paid me $20 and says "I will send you some more in a short time, week or so.
Q And then he sent you $100? A Yes, sir.
Q And wrote you to give D. W. C. Duncan $50 of it? A Yes, sir.
Q And then sent you another $100 and told you to give him half of it? A Yes, sir.
Q How much did they pay you? A Well, that was the agreement, was that he would pay me $50 a family.
Q How much did he pay you? A I think there was $250; now I am not sure about the $50, but it appears to me like there was a $50 sent, and Mr. Duncan asked me, as well as I remember, says "have you got a letter from Dawson," I told him "yes, sir." It was either that or the $100, and he says "I would like to have some money", and I went to Stapler's and got it changed-- I won't be sure about it being $50 or $100--I went to Stapler's and got him to cash the check and give him his part of it.
Q How much did they pay you for your services? A That is all I got.
Q How much? A I think it was $100, $120.
Q What did you do for them? A Didn't do a thing only called up the case and submitted it; never read the evidence.
Q Submitted it without remarks? A Yes, sir.
Q And for that you say they paid you $120? A Yes, sir; $120.
Q Was Houston Benge present when that was done? A No, sir; I don't think he was.
Q Did you see him then at that time in Tahlequah? A I don't remember.
Q Were you associated with him in any manner in connection with the case? A No, sir.
Q You had a great deal of business of that character, have you before the Courts? A Yes, sir.
Q Were you paid like fees in other cases for like services? A Yes, sir.
Q In many of them? A Yes, sir, good many.
Q All like cases? A Oh, citizenship cases.
Q When was it you were in jail at Fort Smith? A I don't remember; Mr. Lollette can remember, he was there, he was my attorney.
Q Was it about 1893? A It was somewhere along there, along in 1890 somewhere.
Q That has been your principal business as a lawyer, has it not? A Yes, sir.
Q You have never practiced much in any other, have you? A Very little.
Q Were you in the habit of working your cases through in the same manner in which you state you worked this through? A No, sir.

Q This was an exception was it? A I never worked this case through. I simply called the case up by request of Mr. Dawson. I read the evidence; don't know what proof there was in it; he just asked me to call the case up.
Q And he agreed to pay you $50 a family for doing that? A Yes, sir.
Q Was that what you required of him? A That is what he agreed to pay. I says "What will you give?" He says "I will give you $50 a family.

MR. HUTCHINGS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoemake case didn't he? A Yes, sir.
Q And you told him at that time before you knew anything about whether you would be made or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemake case? A Yes, sir; that is what I said.
Q You told him at the same time that you not only expected to claim you privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKennon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strenthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.
Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.
Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.
Q And let the Court decide? A Yes, sir.

MR. McKENNON:

Q Now, have you a license to practice in the United States Courts? A Yes, sir.
Q In the Territory? A Yes, sir.
Q And also in the Indian Courts? A Yes, sir; do you want to see them?

JAMES W. LEWIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name please? A J. W. Lewis.
Q James W. Lewis? A Yes, sir.
Q Where is your postoffice, Mr. Lewis? A Afton.
Q How old are you? A 73 years old.
Q What is your business ? A I work at the tin business and gun work.
Q Do you know one James Dawson, the brother of F. M. Dawson and the other Dawsons? A I know old man James Dawson.
Q That is the one I mean, old man James Dawson? A Yes, sir; I know him.
Q How long have you known him? A Well, some four or five years, I guess.
Q How long? A Four or five years I think.

Q When did you come to the country? A I have been in the country 70 odd years.
Q Well, when did he come to the country, do you know? A Along about somewheres in eighty if I recollect right, might have been later than that.
Q How did you happen to get acquainted with? A He lived right close by me and I built a house for him.
Q Did you have any conversation with him at the time you built that house? A Yes, several different times.
Q About how he became a citizen of the Cherokee Nation, about the circumstances? A Yes, sir.
Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?
A Well, he told me that it cost him $700 to get his rights.
Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

MR. McKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewheres near about 70 years old, he might have been older than that, I don't know.
Q He was a very old and feeble man? A Yes, he was old and feeble.
Q He seldom ever got out away from his house? A No, sir, only short distance.
Q When you first knew him he was that kind of man? A Yes, sir.

J. L. CLINKENBEARD, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A J. L. Clinkenbeard.
Q What is your post office address? A Vinita.
Q How old are you? A 56.
Q Were you ever an applicant for citizenship before the Tehee citizenship Court in Tahlequah? A Yes, sir.
Q About what time was that? A September '81, I think.
Q Did you meet there about that time, one Elbert or Buck Dawson?
A Yes, sir.
Q How did you happen to meet him? A He and I stopped at the same place, man's by the name of Sherbow.
Q You and he stopped there, did you, board there? A Yes, sir.
Q Well, did you have any talk about citizenship cases, yours and his? A
A Yes, sir.
Q Where did he state that he was from? A Texas.
Q Well, state what you can remember of the conversation between you from time to time about citizenship in the Cherokee Nation?
A Well, we were there on the same business and we talked about it at different times, and in talking about the evidence we had there I, of course, told him how many witnesses I had and what I could prove and so on, and he said that he didn't have but one witness, Dr. Baker from Arkansas, a man that was 85 or 90 years old, he said, and he hadn't come and said he was to have met him there, but he hadn't come.
Q Well, what did he say about the doctor's knowing anything?
A Well, he said he was 85 or 90 years old and didn't hear straight well.
Q Well, did he say anything about giving him whisky?
A Well, he said he could give him four drinks of Arkansas whiskey and he would swear that black was white.

Q Did he say anything about what money would do in Texas or Indian Territory? A Well, in talking about the evidence, he said that money wouldn't make the case go down in Texas and he said "I come to get the law of the land" and he says "I found out it goes here," or words to that effect.
Q Did he say what he had to spend on the question? A Well, he said that he could stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.
Q What did he tell you what he thought about the necessity of witnesses anyhow? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.
Q Well, where did he go from there? A He and I left there together; he rode to Muskogee by way of Fort Gibson and there we parted.
Q Did you ever see him after that? A I saw him about two years or something like that afterwards.
Q Where? A Vinita.
Q Did you refer to the citizenship matter? A I asked him how he come out and he said all right.
Q Was he deformed in any way this man? A He had a crippled hand or stiff finger; I don't remember just what it was now.

J.H. McKENNON:

Q Your first conversation with him was in '01 was it? A Yes, sir.
Q What time in '01? A September.
Q You were then an applicant for citizenship? A Yes, sir.
Q Were you admitted? A No, sir.
Q You are still an applicant? A No, sir.
Q You are still working to get in as a citizen of the Cherokee Nation? A No, sir; haven't quit it entirely.
Q What business are you in now? A I am running a dairy in Vinita.
Q When did you make the statements now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.
Q How did they ever know that you had had these conversations with Mr. Dawson? A I don't know.
Q You don't know how they found that out? A No, sir.
Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.
Q Now, did you approach him or did he approach you? A He approached me.
Q You know why? A No, sir; I suppose somebody I have told something at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have known Mr. Hastings for years.
Q Now, you say—now was that expression about his giving Dr. Baker three or four drinks of liquor? A He said the old man; he said that Dr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he did or not; he said he was 85 or 90 years old; he said he didn't know straight up; said he could give him three or four drinks of Arkansas whiskey and he would not know black or white.
Q Now, he said that did he? A Yes, sir.
Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.
Q You say you next saw Dawson at Vinita? A Yes, sir.
Q How long afterwards was that? A About two years, I think something near that.
Q Did he move to the territory? A Yes, sir he lived at Vinita at one time.

Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I sent the others to the country.
Q Do you run a dairy wagon there? A No, sir.
Q You serve on the jury a good deal? A I have been serving on the Petit jury there this winter.
Q Generally? No, sir.
Q Are you a kind of a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel a d served.

C. C. BRAUGHT, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A C. C. Braught.
Q What is your age? A 62 29th day of last January.
Q What is your post office? A Fairland.
Q How long have you been living in the neighborhood of Fairland?
A Been living there 18 years.
Q Do you know one Bud Dawson or F. M. Dawson as his name is?
A I do.
Q How long have you known him? A About 18 years.
Q How close do you live from him? A Half a mile of him.
Q Does he still own that place? A I think he does.
Q Were you an applicant for citizenship along about '81 or '2 at Tahlequah? A Yes, sir.
Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.
Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the time that you had these conversations as near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to put up; he said it cost him $700 to get in; he said he paid one witness three hundred dollars.
Q Did he state the name of that witness? A No, he did not.
Q Whom did he say he made arrangements with? A He said he made arrangements with the Court; that is, heads of families to get them in at one hundred dollars apiece.
Q Do you know what time of the year tht was, whether it was in the summer or not? A I think it was in June.
Q Did he make any other statements to you at any other time?
A No, sir, I don't think he has in regards to that matter.
Q You have been living neighbors with him? A Yes, sir.

MR. McKENNON:

Q You say this was about June of '83? A I think it was in June, 1883, I won't be positive whether it was June or not.
Q You were an applicant; were you admitted? A No, sir.
Q Have you been admitted? A No, sir.
Q You are still an applicant? A Yes, sir.
Q Still trying to get in? A Yes, sir.
Q Where was this conversation had? A Had at Bud Dawson's house.
Q What part of the premises? that is, in his residence?
A Yes, sir.
Q In the house? A Yes, sir.
Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.
Q Was there more than one room? A I won't be positive but I don't think there was but one room, log house.
Q Just one room? A Yes, sir.

Q And in that room he made this statement to you? A Yes, sir.
Q He and you are enemies are you not? A No, I don't think we are enemies.
Q You are not friendly at all? A Friendly part of the time, and part of the time we ain't.
Q Haven't you had considerable trouble about the lands between your farms? A No, sir; we ain't had any trouble.
Q Didn't you have his little boy arrested recently for a difficulty? A Yes, sir.
Q And you say that you are not on bad terms with him? A Why we speak, have conversation, have right right along all the time.
Q Is it not a fact now that you and he have been all the while at outs? A No, sir.
Q You don't have any unkind feeling towards him? A No, sir.
Q What were your other remarks? A I said no, sir, I didn't have any unkind feeling towards him.

(It being 5 o'clock, the Commission adjourns until 9:30 o'clock to-morrow morning.)

March 19, 1903.
Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of Counsel for Applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. C. BRAUGH, re-called, further testified:

MR. McKENNON:

Q Mr. Braught, you were a claimant under the Watts family are you not? A Yes, sir.
(witness excused.)

CHARLES D. KENNEY, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Charles D. Kenney.
Q What is your post office? A Dawson now.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; supposed to be.
Q Recognized as such are you? A Yes, sir.
Q How old are you? A There is no family record, my parents died when I was young, I just guess at my age, I am somewheres between 44 and 45 years old.
Q Were you personally acquainted with one Elbert or Buck Dawson? A I knew Buck Dawson when I saw him.
Q Did you know him in the state of Texas, if so state what time? A I knew Buck Dawson, knew him and saw him at different dates in Texas.
Q Well, in the year '81 in Clay County, Texas, did you ever see him? A It was in '81 or 82, I think I knew him in both years.
Q Did you ever have any conversation with him in the presence of Bill Smith, Miles Flippin and Joe Pleston about his application for citizenship in the Cherokee Nation? A Mr. Dawson and Flippins were talking in regard to goes down there befo e we one time and

it was mentioned, I was going up on the strip and Buck Dawson says "he an Indian" and Giles said "yes, he is an Indian", and "By God," I believe is the way he spoke, "if I was an Indian I would not be punching cattle, I would have stock eating my grass."
Q What did he say about making application? A He said he was going to the Chickasaw Nation and prove up and get him some grass.
Q Who was that? A Buck Dawson.
Q Well, did anybody suggest about his going to the Cherokee Nation?
A Yes, sir, I told him, I says "why don't you go to the Cherokee Nation, why don't you go up home" I believe is the way I spoke it, "up amongst God's people;" and he says "are they all white like you?" and Jiles spoke up and says "majority of them."
Q Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow punchers, and Mr. Flippin says "Hell, I am going; brother John is getting ready to go now."
Q Well, then what did he say to you? A He says "Who are your best lawyers up there, Kenney," and I told him "Mooley Bell was counted the brainiest man in our country."
Q Well, do you know whether he claimed to have any Indian blood or what he was claiming in that country, whether white man or Indian?
A No, sir, I could not say what he was; he was generally known down there as Buck Dawson, a citizen of the State of Texas, that is all I know of him.

Mr. McKennon: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKennon:
Q Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Bass County, Texas. B. F. Alberty was my guardian.
Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date.
Q About what time? A It was sometime in '80 though.
Q What tribunal first? A I don't know; I don't know either when I was admitted, I was re-instated at Council.
Q When? A I think it was in '87 or '88.
Q Haven't you been arrested for crime and charged with crime?
A Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande.
Q For what offense? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road.
MR. HASTINGS, of Counsel for Cherokee Nation:
Q Were you ever convicted? A No, sir.
Mr. McKennon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. BABEART, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name, please? A Thomas B. Babeart.
Q What is your post office? A Melvin.
Q What is your age? A 49.
Q Are you a Cherokee by blood? A Yes, sir.

Q Did you know one James Dawson? A Well, yes; I did; I have seen him time or two.
Q Were you in Tahlequah about the time he had an application before the Sneare or Snake Fuzzy Citizenship Court? A Yes, sir; I was there about the time the case was settled.
Q Did you know Aaron Butler? A Yes, sir.
Q Who was he? A He was a Cherokee Interpreter for the Court.
Q Do you know James Smith? A Yes, sir.
Q Who was he? A He was the Nation's attorney before the Court.
Q Well, did you about that time have a conversation with either Aaron Butler of Jim Smith in company with Mr. James Dawson? A Yes.
Q State the full particulars of it? A About that time this man Dawson and Butler come to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.
Q Well, did he say anything about whether he could get his case submitted if he had more money? A Well, from the language to me and Butler, he wanted this money: Smith had agreed to submit the case without further evidence in the matter.
Q Well, did you let him have the ten dollars? A Yes, sir.
Q Where did they go then? A They walked off up towards town.
Q Did they go together, those three? A Yes, sir.

MR. McKENNON:

Q Was that James Dawson, the leading applicant in that case?
A Yes, best of my recollection that was.
Q How old a man was he? A I don't know; I could not tell you; he looked, I don't know, he might have been—could not tell you just about how old he was.
Q Well, about how old was he, 25, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.
Q Is he living or dead? A I don't know.
Q Where have you been living? A I have been living down here near Tahlequah.
Q What was the man's name, Dawson's name? A Jim Dawson I think.
Q You are certain of that? A Yes, sir; I am pretty certain.
Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.
Q Dawson took you off to one side? A Butler took me to where Dawson was and introduced me to Dawson and vouched for Dawson being all right for the money.
Q When did you first make a statement of this matter to anybody?
A I guess—I don't remember when.
Q How long have you been in Muskogee this time?
A I have been here since, I was summoned here last Friday.
Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.
Q When? A Oh, about, first I remember it has been about two years ago, and Butler was talking to me about it; it was at my house.
Q Were you born a citizen? A Yes, sir.
Q You weren't admitted to citizenship by the Courts or Council?
A No, sir.
Q You have been living in the Cherokee Nation all your life?
A Well, I was born and raised here; I haven't been here all the time; I have been out and in.

Q You have never seen that man Dawson since? A If I have I have never known it, but I seen him the next day.
Q You saw him and took a good look at him, and know about what kind of man he was? I saw him around there about several times.
Q You think he was about 35 or 40 years old? A That would be my guess at it, my recollection.

Mr. McKennon: Applicants object to the testimony of this witness, all of it, because it is wholly incompetent and irrelevant.

DELIA A. BREWER, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your full name? A My husband's name was O. P. Brewer, but generally I sign my name Mrs. D. A. Brewer.
Q What was your full maiden name? A Delia A. Vann; well it was really Delilah but I never was called by that name, it was De altogether in my young days.
Q What was your father's name? A His name was Joseph Vann.
Q Was he called by any nicknames and if so how many, and what?
A None but the Cherokees, the full-bloods called him Joe Aney.
Q What does that name mean when you talk English? A Rich Joe.
Q Did any of them call him Big Joe Vann? A I don't know; he was a large man; larger than the other Joe Vann.
Q There was another Joe Vann? A Yes, sir.
Q Did your father have any sisters and brothers? A He had quite a number of sisters.
Q Did he have a half sister? A Had two half brothers.
Q Did he have a half sister? A Had several half sisters.
Q Who did they marry? A Different persons; I knew the names of all of them but I have a bad memory, but I know that there was one, a Mrs. Ibbie Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.
Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.
Q Never had any Rogers kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.
Q The Dawson case was talked of here for many years, they claiming kin?
A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that my family was prominent enough that they never claimed kin.
Q They never claimed kin at all? A No, sir.
Q Did your father ever had a sister or half sister by the name of Annie, Anna or Alsey? A No, sir.

Mr. McKennon: Applicants object to all the testimony of this witness because it is incompetent and irrelevant.

SAMUEL TOLLIVER DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Samuel Tolliver Dawson.

Q What relationare you to the Dawsons? A Well, I a not acquainted with none of these Dawsons, I guess I am cousin, that is what he told me.
Q Who was your father? A Samuel Riley Dawson.
Q What did you say your father's name was? A Riley Dawson.
Q Do you know what his full name was? A Samuel Riley Dawson.
Q What children had your father? A Why, he has got, you mean his first children or his whole family?
Q I want all of his children? A I don't know, I will have to count a while on them, there was nine or ten of them.
Q Just one or two of them I care for; is Mrs. Lewis your sister?
A Yes, sir.
Q Your full sister? A Yes, sir.
Q Was she a daughter of S. R. Dawson, Jr.? A Yes, sir.
Q Now who were the parents of your father, , Samuel Dawson?
A Why Sam Dawson was his father.
Q Sam Dawson was his father? A Yes, sir.
Q What was Sam Dawson's wife, if you know their family history, what your father said or what your grandfather said? A I have heard that she was a Pruitt, my father said; of course I don't know.
Q What was her given name? A Annie.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q Saw him? A Yes, sir.
Q Do you know about how old he was when he died? A He was somewhere up about 90.
Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.
Q Was your father his youngest child? A Yes, sir.
Q Do you know about when your father was born? A Well, no, I don't, he died in '90 and he was 67 years old.
Q He died in about '90 and was about 67 years old when he died?
A Yes, sir.
Q And he was the youngest child? A Yes, sir.
Q Now, do you know how many children your grandfather had , that is brothers and sisters of your father? A I heard him say seven.
Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?
A Well, I heard my father speak about it, I don't know that I ever heard my grandmother say anything about it.
Q Well, what did he say about it? A I have heard him say his mother was not an Indian.
Q Did you fathercome here and apply nce for citizenship?
A Yes, sir.
Q Was he admitted? A I think not.
Q Did you hear him make any statements about he ground he expected to get in? A He said his brothers had proved their rights here and if his brothers had any rights he did, but I don't know.
Q Well, in that connection did he say whether his mother was an Indian or white woman? A Never heard him say that his mother was a white woman in speaking about that, I don't know whether he said anything about that or not; I have heard him say his mother wasn't no Indian.

Mr. McKennon: At this time object to the testimony of this witness because it is wholly irrelevant and incompetent.

(Testimony taken and transcribed by Stenographer . . Green)

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

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(Continued from testimony taken by Steno. J. O. Rosson.)

March 10th, 1902, at Muskogee, I. T.

Appearances:
Mr. A. S. McKennon and Mr. Melletio, attorneys for the applicants.
Mr. T. T. Hutchings, and Mr. W. W. Hastings, attorneys for the Cherokee Nation.

ELLA BRASHIERS, being first duly sworn, and being examined testified as follows:
BY MR. HUTCHINGS:

Q State your name? A Ella Brashiers.
Q What was your maiden name? A Ella Dawson.
Q What was your father's name? A Samuel Riley Dawson.
Q What was his father's name? A Samuel.
Q What was your grandmother's name? So far as you know from family history? A Her maiden name was Annie Pruett.
Q Then your father, if I understand you, was the son of Samuel Dawson and Annie Dawson, nee Pruett? A Yes, sir.
Q Did your father have a brother named Robert, and a brother named James? A Yes, sir! that is what I was told.
Q And had a sister named Mrs. Petty? A Yes, sir.
Q And another one named Mrs. McGee? A Yes, sir.
Q And another brother named John? A Yes, sir.
Q What relation are you to Mrs. A. S. Lewis? A Sister.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q You have a distinct recollection of him? A I, yes, I can remember him, but I was small.
Q About how old were you you suppose when your grandfather died? A About 6.
Q Was your father's birth recorded in the family Bible? A Yes, sir.
Q You know whether your grandfather's record of marriages and births were recorded in any Bible or not? A I was, but we haven't it.
Q What became of it? A Got burned.
Q Well, about what year do you remember that your father, Samuel Dawson was born? A I believe it was '23.
Q In 1823? A Yes, sir.
Q And how old was he when he died, if you recollect? A He was between 64 and '7.
Q Did you ever hear your father speak of his relations, his father and mother, as to whether they were white people or Indians? A Yes, sir, they were white people.

Q. You know whether in the family you grandmother was spoken of by the name of Annie, always? A Yes, sir.

BY MR. McKENNON: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

ALEX S. LEWIS, being first duly sworn and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A Alex S. Lewis.
Q What is your post-office? A Dawson, Indian Territory.
Q How old are? A 58 years.
Q What was your wife's maiden name? A Elizabeth Parales Dawson.
Q Who was your wife's father and mother? A Her father was Samuel R. Dawson and her mother was the wife of Samuel R. Dawson, did you want her maiden name?
Q Well, if you know the maiden name of your wife's mother, state how you know it? A Well she was called Margarett, Margarett Queen was her maiden name.
Q The maiden name now of your wife's father's mother? A Why the maiden name of my wife's father's mother?
Q Yes, sir? A From what her husband and my father-in-law told me it was Annie Pruett.
Q What is the name of your wife's father's father? A My wife's grandfather on her father's side, Samuel Dawson.
Q And his wife's maiden name was was Annie Pruett? A Yes, sir.
Q Did you know the old gentleman, Samuel Dawson, you wife's grandfather? A Yes, sir.
Q Personally? A Yes, sir.
Q What opportunities had you to get acquainted with him? A He lived with his youngest son, my father-in-law, and visited me, my wife and I, after we were married, at one time quite a while; I lived near my father-in-law and he visited very often.
Q When did he die? A '74.
Q Have you any particular method of recalling that date? A Well, I was away from the house when he was taken sick, and they sent for my wife and myself, and so when I got home my wife had gone to her father's to see her grandfather, he was sick, and I remember my first wife was a baby at what time.
Q And when was your first child born? A He was born December, '73.
Q You know how old you wife's father was when he died? A I was up in CO, but I don't remember his age.
Q Did the old original Samuel Dawson ever tell you his age? A Yes, sir, several times.
Q How old was he at the time of his death? A He was past 94.
Q Did he ever tell you whether or not his wife Annie Pruett had any sister or brother? A Told me she only had one brother named Bob Pruett.
Q Have any of the members of his family named their children after him? A Make it a little plain, it is a little long; my wife's oldest brother was a particular favorite of his grandfather, and he always took this boy with him everywhere, and he named one of his,- oldest child for this brother-in-law who was a particular favorite of his grandfather; none of it for him I understand.
Q No, what is his name? A Of course I don't know my self, but he gave him the name of Robert Pruett, and I understand it was on account of his grandfather thinking so much of Robert Pruett.
Q Did you ever hear the old Samuel Dawson speak of his brother-in-law? A Yes, sir; I have heard him say that he wished he knew what had become of Bob Pruett, he never had heard of him for a long

time; didn't know where he was, or whether he was alive or not.
Q Now, I want the children of Samuel Dawson and Annie Pruett, how many of them did you know, first? A How many did I know personally?
Q Yes, sir? A John James, and Samuel R. Those were the only ones of his children that I remember personally.
Q Well, remember what you know of the family, what other children did he have? A Well he had two girls, as I understand the family history, he had two girls, first, and John Dawson was the third child, and the oldest boy was John Dawson.
Q Was John Dawson the oldest boy? A Yes, sir.
Q Which was the oldest girl? What is she known by now? A I think it was Mrs. Petty, nee Bettie Dawson.
Q And John Dawson was the oldest boy? A Yes, sir.
Q And Samuel R. Dawson was the youngest boy? A Yes, sir.
Q You know anything about the time John Dawson was born, have you any way of coming at it, the oldest boy? A Yes, sir, I know that the oldest son and his wife told me.
Q What was that? A They said he was born in 1811.
Q Who was his oldest son? A Toliver H. Dawson; told me his father was born in 1811.
Q Do you remember now whether the old man had occasion to say whether his wife, Annie Pruett was an Indian or white woman, or ever said anything about it? A I know what the old man said that she was, I don't know that I ever heard the question approached in that way, I have heard him speak as to her blood, but it was in a different way that he reached it.
Q What blood did he say she was? A Well he said that she was the daughter of Mrs. Pruett, a white woman; and that her father was Captain John Rogers, a white man who lived with the Cherokee Indians, and traded with them.
Q Did he say who Captain John Rogers afterwards married? A Said he had a wife in the Cherokee Nation.
Q But that Annie Pruett was not her child? A No, sir, she was the child of Mrs. Pruett.
Q A white woman? A Yes, sir, that was the half sister of Bob Pruett.

BY MR. McKENNON:

Applicants object to all of the testimony of this witness, because it is wholly incompetent and irrelevant.

Q Did ever you apply for citizenship here? A Yes, sir; for my wife.
Q When? A My father-in-law made the application, I don't know exactly when it was, I think probably about '86, I couldn't say as to the date.
Q Before the Cherokee authorities? A Yes, sir.
Q Did he file an application before the Dawes Commission in 1896 also? A Him.
Q Yes, sir? A I don't think he did, no sir.
Q Did you? A I did.
Q On account of your wife? A Yes, sir.
Q Did you make affidavit to that application? A No, sir.
Q Who did? A I don't know, don't remember now.
Q You applied for your wife as an Indian by blood did you not? A Yes, sir.
Q Are you still an applicant? A No, sir.
Q Is she? A No, sir.
Q She was denied was she? A Yes, sir.
Q Was there an appeal taken from that? A Application was filed if I remember, before the Dawes Commission, and they rejected the case, and then I appealed it to the District Court, and it was rejected there and I quit.

Q Have you ever been arrested for any crime? A Yes, sir.
Q What? A Charge of murder.
Q Anything else? A No, sir.
Q Committed on the train? A Yes, sir.
Q In a train robbery? A Yes, sir, in a train robbery.
Q How long did you remain in jail? A Appealed the case to the Supreme Court, and it was reversed and sent back, and I was acquitted on that charge.
Q That all the crime you were ever charged with? A Yes, sir.
Q Haven't you been having more trouble with the Dawson family?
A Well me personally I have no trouble with any of them, there is one of my boys and one of W. A. Dawson's sons-in-law had some trouble.
Q You are not friendly with the Dawson family? A That son-in-law Mr. Wooley, anmyself, don't speak, and I don't think his wife speaks to me either.
Q Well you are claiming some sort of lease on the Wooley farm, aren't you? A No, sir, I don't claim any lease on the Wooley farm.

B. W. ALBERTY, being first duly sworn, and being examined, testified as follows:
BY MR. HUTCHINGS:
Q State your name? A B. W. Alberty.
Q What is your post-office? A Tahlequah.
Q What is your present official position in the Cherokee Nation?
A Assistant Executive Secretary of the Cherokee Nation.
Q As such have you charge of the citizenship records and books etc. of the Nation? A Yes, sir.
Q Have you made search recently for the original records in the various cases of the Dawson family before citizenship courts in Council? A Yes, sir.
Q Have you got what records you found with you? A I find what's supposed to be the original papers in the case, all that I could find. (Produces papers and hands to Nation's attorney.)
Q Where did you find these papers? A I found them in the desk in which papers of that character are filed away in the Executive Office at Tahlequah. (Applicant's attorneys examine papers produced by witness.)
BY MR. HUTCHINGS: The Nation here introduces in evidence an envelope marked No. 108, the names on the back of it are Robert, Elbert, Jasper, John, Frances, Marion, Josephine, Joseph, Jane, Mollie, Wilburn, James, Rial Dawson, versus the Cherokee Nation; the envelope and its contents.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced by the Cherokee Nation is indorsed as follows:
"No.108, Rob. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilburn Dawson, James Dawson, Real Dawson, vs Cherokee Nation, Petition for Citizenship, filed Sept. 24, 1881. Admitted Jan 11th, 1883, D. W. C. Duncan, Clerk."
In pencil: "Robt Dawson."

The said envelope contains a document as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19th, 1883.

No. 102 Robert Dawson, "et al."
vs.
Cherokee Nation.

Testimony for Claimants.

Witness:

Dr. Baker sworn testified as follows. My name is Arthur Baker I reside at Berrivill, Arkansas, Carroll County, my age is 73 years, I am not a Cherokee, I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County some thirty five years (line drawn through the last three words,) 35 years at My Mother's house near Calhoun I became acquainted with the claimants Robt Dawsons grandmother on Mother's side, she was frequently at My Mother's house; though she Anna Pruit lived in the Nation side. She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee; the first time she brought the claimant's mother to My Mother's house she the claimant's mother was about grown, when I was a little boy she called her daughter Polly Rogers said Capt. John Rogers who run a boat up the river was the father of the child; I saw the girl frequently there at My Mother's and there at Louis Rogers Store I saw her occasionally until I was 15 or 16 years old and I think then Old Capt John Rogers took her off to school. I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of Old Samuel Dawson. I stayed all night there and she and I had a talk over our old matters, and I asked her when she became acquainted with Dawson and she said at the time she was going to school. And she said after she left school that Dawson followed her home to the Nation and they were there married. I have told that precisely in the words she used.

Capt John Rogers claimed to be one fourth Cherokee, the claimant is the son of Polly Rogers and I know Polly Rogers to be the daughter of Anna Pruet, and I know the claimant to be the son of Polly Dawson Capt Rogers then resided in the Cherokee Country about twelve miles from Calhoun on the Illamsaba River.

Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawsons when I got acquainted with them Arkansas were recognized where they were as Cherokees, Robt Dawsons children is Buck, John, Marion, and two girls; the children named in the petition I recognize as being the claimants.

Question by
Ques. 1
Ans. 1
Ques. 2
twice
Ans.
Ques.
Ans. 3
Ques.
A.
Ques.
Ans. 5
Ques. 6
Ans.6 It was on both sides of the river, part in the
Nation and part

Ques. 7 Which Marriage was it went to Texas?
Ans. 7 George went first then John went they were the sons of old man Harnage that lived up here near the line.
Ques. 8 Did the claimant go to Texas?
Ans.8 No the claimant didn't go to Texas.
Ques. 9 What connection was claimant and Polly Rogers?
Ans. 9 The claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.
Ques. 10 Where does claimant now live?
Ans. 10 He lives in Carroll County, Arkansas.
Ques. 11 Do you know what relation old Captain John Rogers was to Charlotte Rogers here, in Coowee neconee?
Ans. 11 They claimed kin but what kin I dont know there were two Capt. John Rogers' in the Nation I am speaking of the time when I first came to this 1830 Country about the year 1830.
Ques. 12 Was Anna Pruet the maiden name of Claimant's grandmother
Ans. 12 Yes that was her maiden name the Indians called her Sinee.

his
(signed) Arthur. A. x Baker.
mark

Witness' hand paralyzed is the reason he signs by a mark thus "x". "

The above document is indorsed on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case, Robt," Decided by the Tehee Court in 1883. A. Riley Dawsons Step daughter a White woman married a white man, named August Bulaska."

BY MR. HUTCHINGS: We further introduce envelope No. 101, of E. Dawson for his grand-children, versus the Cherokee Nation, and its contents, to-wit: The Petition and affidavit of F. M. Dawson, and the testimony of Joseph Dawson.
(Hands papers referred to to applicant's attorneys.)

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced is endorsed as follows:
"No.101. E. Dawson vs the Cherokee Nation. For his grand children. Petition for citizenship. Filed Sept. 14th, 1883, D. W. [illegible], Clerk of Com. Decided Sept.13, to be Cherokees.

The contents of said envelope are as follows:

"To the Commission on Citizenship.
Tahlequah, Cherokee Nation, Sept. 14, 1883.
E. Dawson,
No.101. vs for his grand children,
Lulu Dauthett,
Dallas Dauthett,
F. M. Dawson for claimant introduced sworn and in open Court testified as follows:
My name is F. M. Dawson. Am Cherokee by blood reside in the Cherokee Nation am 30 (40 written over it) years old.

I saw the Claimants, Lulu Dauthet and Dallas Dauthet in Vinita, and know them to be the grandchildren of my brother E. Dawson who is a recognised Cherokee by blood. L. M. Dauthet, the father of the Claimants, Lulu and Dallas is a white man Dauthet's wife the mother of Lulu and Dallas was a Cherokee, the daughter of my brother E. Dawson, she is now dead. The oldest of these applicants is about 9 years old. I have known them about 8 years. These children is now living with their father. One is a girl and the other is a boy. I had been acquainted with her mother all her life. If she had been now living she would have been about 25 years old - - She has been dead about 4 years as well as I can recollect, She was about 17 ye rs old when she was married.

his
(signed) F. M. x Dawson,
mark

Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, Sept. 14, 1903.
No.181 E. Dawson
for his grand children
Lulu Dauthett
Dallas Dauthett

Joseph Dawson introduced for Claimants, sworn in open Court testified as follows:

Jos. Dawson, am a Cherokee live in the Cherokee Nation, am 31 years old.

Lulu Dauthett and Dallas Dauthett, the Claimants are Cherokees. Fannie Dawson was their mother. Fannie Dawson was a Cherokee, that is what I was always told. Her father was E. Dawson. E. Dawson was my brother. Mrs. Dauthett is not living now: the last time I saw Lula, and Dallas Dauthett, they were in Texas. But I have heard since that they are in the Cherokee Nation. E. Dawson recognises them as his grandchildren and I have known them ever since they were born.

By Solicitor:

Lula is about 10 years old. The Dallas is about 5 or 6 years old. I heard that their father is now at Vinita Cherokee Nation, E. Dawson is Elbert Dawson. The applicants' mother has been dead about three or four years. She died at Hillsboro, Texas.

I was not present when their mother and E. Dawson had eight children to the best of my recollection, or 9. Fannie, Francis, Cartenas, Zanie, Bob, Smith, Worsh, Bert, Ella. All living but two, Fannie and Smith. They are all living in Texas when I left there. I am a brother to F. M. Dawson, we are full brothers. My father has been admitted to Cherokee Citizenship by this Court.

his
(signed) Joseph x Dawson,
mark

To the Commission on Citizenship,
Tahlequah, C. N. Sept. 12, 1903.
E. Dawson for grandchildren,
Lulu Dauthett,
Dallas Dauthett,
vs
Cherokee Nation.

Now comes E. Dawson petitioning for the Cherokee rights of his grandchildren, Julu Dauthet & Dallas Dauthett, by virtue of their Cherokee blood, which was derived from the

Dawson family, who is acknowledged Cherokees by admission of your Hon. Court, at its last session in January, 1883, in view of the facts ask your Hon for a speedy and favorable consideration of our claims.

(signed) E. Dawson for grand children,
By C. H. Taylor."

This last document is indorsed on back as follows: "No. 181, Petition of Lula, Deuthett & Dallas Deuthitt, for Citizenship Filed Sept 14, 1883, D. W. C. Duncan, Clerk."

BY MR. HUTCHINGS: Now we desire to introduce the judgment in the case of S. R. Dawson, and others, of the Commission on Citizenship, found on page 80, of Record Book B, of the Citizenship cases in the Cherokee Nation, said book having been turned over to and now in the custody of the Commission; the judgment being dated April 26th, 1889.

BY MR. McKENNON: To the introduction of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

Record above introduced is as follows:

"Office of Commission on Citizenship,
Tahlequah, C. N. August 11th, 1887.

Docket No.		Names,	Age	Sex	Post Office,	Attorney
	1	S. R. Dawson,	66		Catoosa,	
	2	Parlee Dawson,	44	female		
307	3	Amerion J. Dawson,	35	"		
	4	Katharine J. Dawson,	33	"		
	5	J. G. Dawson,	31	male		Bell &
	6	Elias F. Dawson,	29	"	Applicant for)	Bryant.
	7	Toliver Dawson,	27	"	Cherokee Nation.	
	8	Ella Dawson,	20	female		
	9	Fanny Dawson,	18	"		
	10	John Riley Dawson,	11	male	R.	
	11	Robert E. Dawson,	9	"		
	12	Claud Dawson,	7		Ancestor	
	12	Cleveland Dawson,	3		John Rogers	

-- filed August 11th, 1887."

In red ink written along Age column is the following: "Rejected April 26, 1889."

"Now this day comes the above case for final hearing, Samuel R. Dawson, bases his application for readmission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the alleged daughter of Captain John Rogers and Chilsey Pruitt, said to be a half sister of Joseph Vann, commonly known as Rich and who was of Cherokee blood. It is admitted that John Rogers and Chilsey Pruitt died before the roll upon which their names would appear if living at the time and specified in the 7th section of the Act of December 8th, 1885, creating the Commission on Citizenship, were made but in support of the application it is urged that certain members of the Dawson family and full brothers of the applicant were re-admitted to citizenship by the Commission on Citizenship commonly known as

"Two Tahee Court", and the "Spavinaw Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which determined the decision of these Commissions of the testimony now introduced to authorize the admission of the present applicant is not relivent to the issue now pending. The 7th section of the Act of December 8th, 1888, before named provides, that "The Commission shall give a hearing to any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States." As are hereafter enumerated. Neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Jeannah Barber nee Jeannah Dawson and Jane Queen, nee Jane Dawson, and their families, as enumerated in their respective applications.

(signed) Will P. Ross,
Chairman.

This April 26th, 1899.
(signed) D. L. Williams,
Cl'k Com'n."

(signed) R. Bunch, Commissioner,
John E. Gunter, Com'nr.

BY MR. HUTCHINGS: The Nation now introduces the envelope in the case of James K. P. Dawson, and the contents, being the original testimony in the case of E. Dawson; also the judgment in said case, found on page 116, in book C., containing the records of the Citizenship Commission of the Cherokee Nation, the date of said Judgment being April 26th, 1899; this book being also in the custody of this Commission.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope above introduced is indorsed on back as follows:

"Name, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - Years, - - Roll of 1835, Ancestor, Riley Dawson, filed the 5 day of Oct. 1897, Docket 984, Book C Page 116, Testimony on Journal - - Page - - - Decision of Commission Rejected 26 day of April 1899
Rejected."

The contents of said envelope are as follows:

"A. J. Dawson, et al.,) Office Com. On Citizenship,
(vs) Tahlequah, I. T. Sept. 27th, 1897.
Cherokee Nation.)

E. Dawson, who being duly sworn, upon his oath, deposes and says as follows, to wit:

I am a citizen of the Cherokee Nation and reside in Coowescoowee Dist. and am 53 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I have known him personally about three (3) years, He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a realtion of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee river in Tenn. I think he had four (4) children. I never saw any of them but Andrew J. Dawson, and Jim Dawson.

-Cross Ex.-

Joe Dawson has been dead about 35 years he lived west of the Mississippi River, I understand. My father had four brothers. I don't know how long Joe Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of my Uncle Joe Dawson, is from what he himself has told me, - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me- My grandfather being a Dawson and a white man.

Attest

Connell Rogers,
Clk. Com. on Citizenship."

This document is indorsed on back as follows:
"Testimony of E. Dawson in case A. J. Dawson."

The judgment above introduced, and found on page 116 of Book C of the Dockets of Cherokee Citizenship Commission, is as follows:

"James K. P. Dawson,
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., Oct. 5, 1897.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	James K. P. Dawson,-		male		
2	William A. Dawson,				
3	Richard A. Dawson,				
889					C. H. Taylor.

Applicant for
vs. Cherokee Citizenship,
Census Rolls 1835
Ancestor,
Riley Dawson.

Cherokee Nation. "

In red ink along age column are the words: "Rejected April 2C, 1899."

"Adverse to Claimant.
See decision in case of S. R. Dawson in Book (B) Page
This April 20, 1899.
D. S. Williams,
Clk Com.

Will P. Ross,
Chairman.
J. E. Gunter, Com."

BY MR. HUTCHINGS:

The Nation desires to introduce the original envelope and its contents in the case 196, of Rebecca Dawson, being the application and judgment in the case, also the judgment as copied into the record, Book C, on page 144, the date of said judgment being August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope just introduced is indorsed on the back as follows:

"196, 1, Name Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address Emmet, I. T., Age 48 years, 1835, to 1852, Roll of 18-- Ancestor Maton, Filed the 5 day of Oct 1887, Docket 1017 Book C Page 144, Testimony on Journal- Page - - Decision of Commission, Rejected 28 day of August 1889. Submitted by Mr. Rasmus, Aug. 28, 1889." R"

The contents of said envelope are as follows:

"APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship:
Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Consittution, and with an act of the National Council approved December 8th, 1886, creating your Commission, And respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Moton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds for this application for Cherokee citizenship by blood, and respectfully awaits the time when Applic tion shall be truly heard and tried in accordance with he aforesaid law.

Age, 48 years; Postoffice, Emmett, Chic. Na. family with their relationship attached is as follows:

No Name Sex Age Relationship.

In Witness [illegible] application I hereto set my hand on this the 4-- day of October 1887.

(signed) Rebecca Dawson,

Boudinot & Rasmus,
Attorneys."

"COMMISSION ON CITIZENSHIP.
Cherokee Nation, Ind. Ter.
Tahlequah, August 28th, 1889.

Rebecca Dawson)
V. S.
Cherokee Nation.) The above case was called and submitted by

Rasmus without evidence the Commission decide that Rebecca Dawson, Age 48 yrs is not a Cherokee by blood a d are not entitled to citizenship in the CherokeeNation Post Office Emmet Penns - - I. T.

(signed) WILL P. ROSS,
Chairman,
J. E. Gunter, Com."

The judgment found in Book G, Records of Commission on Citizenship, Cherokee Nation, page 144, is as follows:

"Rebecca Dawson.
OFFICE COMMISSION ON CITIZENSHIP.
Tahlequah, Ind. Ter., Oct. 8th, 1887.

Docket No	Names	Age	Sex	Post Office	Attorney.
1	Rebecca Dawson	48	female	Emmett, I. T.	

1017

Boudinot & R.
Applicant for
Cherokee Citizenship.

Census Rolls, 1835,
to 1852.
Ancestor,
Moton.

V. S.
Cherokee Nation.

Office Commission Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug. 28th, 1889.

The above case was called and submitted by Attorney Rasmus without evidence. The Commission decide that Rebecca Dawson, aged 48 years is not a Cherokee by blood and not entitled to Citizenship in the Cherokee Nation.

Attest:
E. C. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J.E. Gunter, Com."

BY MR. HUTCHINGS: The Nat on next introduces t e iriginal envelope and contents in the case 198, of Mary Dawson, the contents being the application for citizenship, and the judgmeny as written up by the Court; also the judgment of the Court as copied in Book C, Page 145,- said judg ent being rendered August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced is indorsed on back as follows:

"198, 2, Name, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Bowie, Texas, Aged 54, years, 1835 to 1852 Roll of 18— Ancestor, Moton, Filed the — day of e 18— Docket 1018, Book C Page 145, Testimony on Journal— Page— Decision of Commission Rejected 28th day of August 1889. Submitted by Mr. Rasmus, Aug. 28, 1889."

"APPLICATION FOR CITIZENSHIP".

[illegible] Gentlemen:- The undersigned, your petitioner, this day [illegible] Application for re-admission to citizenship in the Cherokee Nation in accordance with the Constitution, and with an Act of the National Council, approved December 8th, 1836, creating your Commission. And respectfully makes the following statement of the grounds of this her application, to-wit:

That Mary Dawson is the Grand Daughter of one Moton who the undersigned first is believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds of this her application for Cherokee Citizenship by blood, and respectfully awaits the time when her Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 54, years; Postoffice, Bowie, Texas, family with their relationship attached is as follows:

No.	Name	Sex	Age	Relationship.
1	Walter Dawson	M	13	Son.

In witness of which application I hereunto set my hand on this the 4 day of October 1887.

Mary Dawson,

Rowland & Reams,
Attorneys."

- - - - - - -

COMMISSION CITIZENSHIP,
Cherokee Nation, Ind. Ter.,
Tahlequah, August 20th, 1889.

Mary Dawson,)
vs (Application for Cherokee
The Cherokee Nation) Citizenship.

The above named case having been submitted by F. F. Reams, Attorney for claimant, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 13 yrs, are not of Cherokee blood, P. O. Bowie, Texas.

Will P. Ross,
Chairman,
J. M. Hunter, Com."

- - - - - - -

Said envelope also contains the following:

APPLICATION FOR CITIZENSHIP

TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen:- The undersigned, your petitioner, this day [illegible] application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an act of the National Council, approved December 8th, 1836, creating your Commission. And, respectfully [illegible] following statement of the grounds of this her application, to-wit: That Jessie F. P. Dawson is the [illegible] of one Riley Moton who [illegible] believes was duly enrolled upon the [illegible] Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1835, the undersigned hereby presents the [illegible] facts as the lawful grounds of this her application for Cherokee Citizenship by blood, and [illegible]

in accordance with the aforesaid law.
Age - - years; Post-office - - -; family with their relationship attached is as follows:

Names,	Sex	Age	Relationship.
William A. Dawson	Male		Son.
Richard A. Dawson,	"		"

In witness of which application I hereto set my hand on this the 4th day of Oct 1887.

(signed) James K. P. Dawson,

C. H. Taylor, Attorney."

- - - - - -

The judgment as recorded in Book C, page 145, of the records of the Cherokee Commission on Citizenship, is as follows:

"Mary Dawson,

Office of Commission Citizenship.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	Mary Dawson,	54	female	Bowie, Texas.	
2	Walter Dawson,	18	male		

Boudinot & R.
Applicant for
Cherokee Citizenship.

Census Rolls 1835 to 1853
Ancestor
- - - - -

vs.
Cherokee Nation.

- - - - - -

Office Commission on Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug 28th, 1889.

The above case having been submitted by W. P. Ross, attorney for claimant, without evidence, the Commission decide that Mary Dawson aged 54 years, and her son Walter Dawson aged 18 years are not of Cherokee blood. Post office Bowie Texas.
Attest;

E. C. Rose,
Clerk Commission.

Will P. Ross,
Chairman.
J. M. Gunter, Com."

- - -

BY MR. HUTCHINGS: The Nation further introduces the original envelope in the case of Andrew J. Dawson, which said envelope contains his original application; also the judgment in the case recorded on page 32, of Book A, of the records of the Citizenship Commission of the Cherokee Nation, which said records are now in the custody of the Commission; the judgment is dated April 20th, 1888.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced above, is endorsed as follows:

"Name, Andrew J. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Nevada, Mo. Age 44 years, - - 1835, Roll of 1835, Ancestor, - - Filed the 11 day of February 1887, pocket 37 Book A, Page 38 Testimony on Journal - - Page, Decision of Commission, REjected, 26 day of April, 1889. Rejected."

The contents of said envelope are as follows:

"To the Commission on Citizenship.

Tahlequah, I. T.,
January 27, 1887.

	Age		
Andrew J. Dawson,	44	years	Male
E. E. Dawson,	16	"	"
Olive M. Dawson,	14	"	female
William H. Dawson,	11	"	Male
Jessy K. Dawson,	9	"	"
Glennie D. Dawson,	8	"	female.

U.S.
Cherokee Nation.

Know comes Andrew J. Dawson, and five children claiming his right to Cherokee Citizenship by virtue of his Cherokee blood, he being a cousin of E. Dawson and others of the same name admitted to Citizenship by the Tom Tehee Court on Citizenship, which is a matter of record, we submit that as proof of the Justness of his claim, his ancestors will be found on the roll of 1835.

Respectfully,

Post-office, (signed) A. J. Dawson &
Nevada, Mo. five children,
by C. H. Taylor,
Attorney."

" " " "

The judgment just introduced and found on page 38 of Book A, Records of Cherokee Commission on Citizenship, is as follows:

"Andrew J. Dawson,
Office Commission Citizenship,
Tahlequah, C. N., Feby 11, 1887.

Dawes No.	Name	Age	Sex	
Roll				
1	Andrew J. Dawson,	44	Male	Nevada, Mo.
	E. E. Dawson,	16	"	
	Olive M. Dawson,	14	[illegible]	
	William H. Dawson,	11	[illegible]	
	Glennie D. Dawson,	[illegible]	[illegible]	
	[illegible] Dawson,	[illegible]	[illegible]	[illegible] Taylor.

[illegible]

Filed Feby 11, 1897. Ancestors,

Adverse.

See decision in this case in that of L. R. Dawson, Book P,20.
rendered April 26- 1899.
D. S. Williams,
Clk Com."

BY MR. HUTCHINGS: We next desire to introduce the records in the case of the same Andrew J. Dawson, before the Commission to the Five Civilized Tribes, filed September 7th, 1896, and the judgment of the Commission thereon. Number of said case being 4,694. And the judgment of said case on Page 294, Book B., Dawes Commission Record, 1896. Judgment was rendered November 17th, 1896, denying the application.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The records just introduced, being those filed before Dawes Commission, 1896, in Andrew J. Dawson, et al., are as follows:

Registry Receipt,
Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind Ter., Registered Letter, No. 409, Rec'd, of A. J. Dawson, addressed to S. H. Mayes, Tahlequah, I. T., (signed) D. A. Frayser, L.-P. M.

"Commission to the Five Civilized Tribes,
Vinita, Ind. Ter., Sept. 7, 1896.
See that you swear to your petition.
Evidence of service of copies of Chief or Governor may be secured as follows: If convenient get his receipt to file with your papers. If you cannot do this, register to him, and have some interested person to make affidavit in form about as follows:
I, S. H. Davidson, do solemnly swear that on the 7th day of September, 1896, I saw a package registered at the Post office at Vinita, Indian Territory, addressed to Hon. S. H. Mayes, Chief of the Cherokee Nation, Tahlequah, Ind. Ter., that registry receipt no.409, received from postmaster, hereto attached, is a receipt for said package, which contained true copies of the application of Andrew J. Dawson, et al of the affidavits of F. Dawson and J. H. Dawson in the part of same.
(signed) S. H. Davidson.
Subscribed and sworn to before me this 7th day of September, 1896.
(seal)
(signed) W. H. Kornegay,
Notary Public, First Judicial Division,
Indian Territory.

Attach receipt to this affidavit and send with papers to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, as we understand that packages are not promptly receipted for by the Chiefs and Governors.

xxx _____

For the Commission."

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:-

The undersigned, your petitioner, Andrew J. Dawson. ~~William H. T. Dawson Jesse K. D.~~ (Line in ink drawn through these names) for and on behalf of Minnie E. V. Dawson, Olive Maud Dawson, William H. T. Dawson, Jesse K. Dawson, Glen Dale Dawson, James K. P. Dawson, William A. Dawson, Maggie E. Dawson, Richard A. Dawson and Mary E. Dawson and heirs, this day make their application to you for the purpose being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the lands and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokee Indians by blood, deriving the same from Captain John Rogers, Polly Rogers, Daughter of Captain John Rogers, married Samuel Dawson, whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the years 1817, 1818, 1819 and 1835 & 1838 the same to be submitted to your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his proof in support of said claim, and respectfully awaits the time when his application can be heard and tried.

Respectfully submitted

Andrew J. Dawson,

Enrollment of family, with relationship stated, as follows:

Names.	Ages.	Relationship.
Minnie E. V. Dawson,	25	Daughter,
Olive Maud Dawson,	23	daughter
William H. T. Dawson,	21	son,
Jesse K. Dawson,	19	son.
Glen Dale Dawson,	17	daughter.
James K. P. Dawson,	9	brother.
William A. Dawson,	13	nephew.
Maggie E. Dawson,	7	helper.
Richard A. Dawson,	17	nephew.
Mary E. Dawson,		niece.

I, [illegible], [illegible] for my

[illegible] ."

Jurat on back as follows:

United States of America,
Indian Territory,
Northern District,

Andrew J. Dawson, of lawful age, being duly sworn states that he knows the facts set forth in the above and foregoing application and that the same are true as he verily believes.

(signed) Andrew J. Dawson,

Subscribed and sworn to before me on this the 3rd day of September 1896.

(signed) J. A. Tillotson,
Notary Public.

(Seal)
My Commission expires June 8" 1899.

- - - - - -

Indian Territory,)
Northern Judicial Dis- (SS.
trict

Andrew J. Dawson, of lawful age, being by me first duly sworn on oath says that he is 52 years old that his post office address is Afton, I. T. Affidavit further says that he is a citizen of the Cherokee Nation and a Cherokee Indian by blood deriving his Indian blood from Polly Rogers daughter of Captain John Rogers, that Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Hiawathia river while emigrating to the west.

Affidavit further says that Samuel Dawson and Polly Rogers are his Grandfather and Grandmother and that Captain John Rogers was recognized by the NationalCouncil of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation of 1852 as follows: An act of the Council of 1842 page 66, an act of Nov. 17" 1843, page 96. also an act of Nov. 16 1849 page 204.

Affidavit further says that he is a blood relation of E. Dawson, F. M. Dawson, Joseph Dawson, and John Dawson who were admitted to citizenship by the Cherokee Nation and whose names appear upon the authenticated rolls of 1893.

(signed) Andrew J. Dawson.

Subscribed and sworn to before me this 3" day of September A. D. 1896.

(signed) J. A. Tillotson,
Notary Public.

(Seal)
My Commission expires June 8" 1899."

"Indian Territory,)
Judicial Dist.) S.S.
)

F. M. Dawson, of lawful age, being by me first duly sworn on oath says that he is 54 years old; that his post office address is Afton, Indian Territory, Affidavit further says I have known Andrew J. Dawson for the past 10 years and have known him and recognized him as a Cherokee Indian and a cousin of mine, he claims to have originated from the family of Joe Dawson and he was a brother of Robert Dawson my father. and he being an offspring of Sam. Dawson, who married Polly Rogers, a daughter of Captain John Rogers, who was a recognized Cherokee Indian

his
(signed) F. M. x Dawson
mark

Subscribed and sworn to before me this the 4th day of Sept 1896."

(signed) Frank L. Sharp
Notary Public. (Seal)"

- - - -

"Ind Ter
Northern Dist

This affidavit made this 4th day of Sept 1896 by E. Dawson of this Dist in the Cherokee Nation I have known A. J. Dawson 10 years and have known him and recognized him as a Cherokee Ind and a cousin of mine, he claims to originate from the family of Joe Dawson and he was a brother of Robert Dawson and being an offspring of Sam Dawson who was (line in ink drawn through word was)married Pollie Rogers a daughter of Captain John Rogers who was a recognized Cherokee Indian.

(signed) E. Dawson.

Subscribed and sworn to before me this [illegible] day of Sept 1896.

(signed) [illegible] Oklaw,
Notary Public,

My commission expires June 8, 1899.
(Seal)"

Indorsed on back: "No. 1509, A. J. Dawson vs Cherokee Nation Filed Sept 7-1896 A. S. McKennon, Com'r."

- - - - - - -

Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabaniss, A. B. Montgomery, Commissioners.
In the matter of the application of
Andrew J. Dawson, Nation's No.....
Commission's No.....
for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy.

2nd. That the application does not state facts sufficient if true, to show that the applicant . . . entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that John Rogers through whom the petitioner claims to derive right to citizenship in the Cherokee Nation, as set forth, - . . and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to its present territory, as at present located and defined, that [illegible] does not appear or any of the subject matter alleged [illegible] neither nor any of his ancestors ever resided in the Cherokee Nation as Indians [illegible] thereof.

See case Nation's No. 1573.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Mayes, Principal Chief Cherokee Nation.

B. Hutchings, Hastings & Boudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answers are true, to the best of his knowledge and belief.

(signed) John L. Adair,

Subscribed and sworn to before me this the 5 day of Oct 1896.

(signed) D. J. Ball,
Notary Public.

(Seal)"

Indorsed as follows: "Nation's No. 4679.
Commission's No. 4694, In re application of Andrew J. Dawson, DEMURRER AND ANSWER. Filed Oct 21 H. M. Jacoway, Sec."

The foregoing documents, comprising the 1896 papers as above set forth, are inclosed in envelope indorsed:

"No. 4694, Petition of Andrew J. Dawson, and heirs, Cherokee, 9-7-96. Rejected."

Which envelope is inclosed in jacket, marked "No.4694."

- - - - - -

BY MR. HUTCHINGS: Now we desire to introduce the records in the case of Joanna Barber, et als., No. 1864, the United States Court number being 90, and the Nation desires to call especial attention to the testimony of W. C. Rogers and Sarah Carter as set forth in this case.

BY MR. McKENNON: To all of which applicants object, because it is wholly irrelevant, immaterial and incompetent.

Records in said case are as follows:

blood is shown by proof here-with filed.

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners authorized by an act of Congress of June 4, 1896, to hear and determine claims for Citizenship in the Cherokee Nation:

Gentlemen:- The undersigned, your petitioner, Joanah Barber, for and on behalf of himself and heirs, this day makes this their application to you for the purpose of being placed on the revised roll of Cherokee Indians and of those entitled to

share in the distribution of funds and allotments of land in Cherokee Nation, by virtue of their Cherokee blood, and I herewith submit the affidavits of E. Dawson, S. R. Dawson, W. A. Dawson & F. M. Dawson in support of said claim, and respectfully await the time when our application shall be heard and tried.

Respectfully submitted,
(signed) Joanah Barber.

Enrollment of family, with relationship attached, as follows:

Names		Age	Relationship.
Joanah Barber,		60	Daughter of Elizabeth or Betsy
Isaac J.	" Husbd	65	Petty, ne Dawson, who was a
Onis E.	"	26	daughter of Polly Dawson, nee
W. R.	"	24	Rogers who was a daughter of
James E.	"	18	Capt Jno Rogers and Ailey Rogers
Johny	"	6	nee Vann a Cherokee Indian by
Joel A. Barber		39	blood as is shown by proof here-with filed.

In witness of which I hereto set my hand on this 7 day of August 1896.

(Signed) Joanah Barber."

Indorsed as follows: "Pd 3.50 No.... Petition of Joanah Barber for land on behalf of herself and heirs."

TO THE HONORABLE HENRY L. DAWES AND OTHERS COMPOSING THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitioner, Joanah Barber, would state and show from the proof submitted to the Commission that she is a Cherokee by descent and by blood having been born in Carroll County, State of Ark. on the 5 day of Dec 1835. My fathers name was John Petty. My mothers name was Elizabeth Petty, nee Dawson. That I now reside in the Cherokee Nation, and have resided there for 10 years. And she avers these facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe. And she further avers that these facts being proved she is entitled to be adjudged under the laws of such Nation and the laws of the Congress of the United States and the treaties of such Nation with the United States, a citizen of such Nation, with all the rights, privileges and protection of citizenship in such Nation. Wherefore she herewith respectfully submit to the consideration of the Honorable Commission such proof and on the hearing she be adjudged entitled to such citizenship and her name be placed upon the proper roll as a citizen of such Nation.

(signature) Joanah Barber.

INDIAN TERRITORY,)
(ss
FIRST JUDICIAL DIVIS)

Now on this [illegible] day of Aug personally appeared before me T. J. Tatum a Notary Public in and for the [illegible] Territory, Joanah Barber, who being duly sworn upon her oath states that the facts set forth in the foregoing petition are correct and true.

Subscribed and sworn to before me this 6 day of August 1896.

(signed) W. J. Watts,
Notary Public.

(Seal)"

- - -

"(COPY)

In the matter of the claim of Joanah Barber nee Joanah Petty to Cherokee Indian Citizenship in the Cherokee Nation , Indian ter itory.

Affidavit of S. R. Dawson.

Delaware District,
Cherokee Nation,
Firt Judicial Division,
U.S. Court, Indian Ter itory. } 88

S. R. Dawson, to me well known to be r liable and respectable, after being duly sworn according to law states on oath, that he is a bona-fide citizen of the Cherokee Nation by blood- that he is a resident of said Nation- that his post-office address is Afton, I. T.; that he is fifty-one years of age- that he is well acquainted with the claimant Joanah Barber and has as long as he h s known any person- that she is of Cherokee Indian descent- that her maiden name was Joanah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of Polly Rogers, a person of Cherokee Indian descent, who intermarried with Samuel Dawson, a white man- that he said Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann both well known Cherokee Indians.

Affiant is not directly nor indirectly interested in the result of this application.

(Impress of National Seal)

(signed) S. R. Dawson.

Subscribed & Sworn to before Jany 6 1892

(signed) W. P. Hubbard,
Notary Public."

"United States of America,
Indian Te ritory, } ss
First Judicial Division.

I, William F. Rasmus, a Notary Public within and for the Judicial Division aforenamed, do hereby certify that the next above in the within one page of an affidavit is a true and literal copy of the original as the same is now at Tahlequah, Ind. Terry, this the Third day of July A.D. 1893.

(signed) William F. Rasmus,
Notary Public, First Judicial Division, Indian Territory.

(Seal) My Commission expires Feby 3, 1897."

(A copy)

In the matter of the claim of Joanah Barber (nee Joanah Petty)

to Cherokee Indian Citizenship in the Cherokee Nation, Ind Ter.

Affidavit of E. Dawson,

Coowescoowee District,)
Cherokee Nation,)
First Judicial Division, (ss
U. S. Court, Ind. Ter.)
)

E. Dawson, to me well known to be reliable and responsible after being duly sworn according to law states on oath that he is a Bonified citizen of the Cherokee Nation by blood- that he is a resident in said Nation that his post office address is Talala, Ind Ter.-that he is 58 years of age- that he is well acquainted with the claimant Joanah Barber and has been as long as he has known any person- that she is a person of Cherokee Indian descent the her maiden name was Joanah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian dessent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of one Polly Rogers a person of Cherokee descent, who intermarried with Samuel Dawson, a white man, that the said Polly Rogers was the daughter of Captain John Rogers a well known Cherokee Indian.

Affiant is not directly nor indirectly interested in the result of this application.

(signed) E. Dawson.

Subscribed and sworn to before me this the 24th day of Febry 1893

(signed) A. E. Williams,
Notary Public.

(Impress of
National Seal
here.)
Com. Exps. Sept. 26/96.

United States of America,
Indian Territory, S S
First Judicial Division.

I, William F. Rasmus, a Notary Public within and for the First Judicial Division, Indian Territory, do hereby certify that the next above and the within one page of an affidavit is a true and literal copy of the original presented to me at Tahlequah, Ind Ter. this the third day of July A.D.1893.

(signed) Wm. F. Rasmus.

(Seal) Notary Public, First Judicial Division, Indian Territory, My Commission expires Febry 3, 1897.)

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United States of America,
Western District of Arkansas. SS.

In the case of one Joanah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William F. Rasmus, a Commissioner U. S. Court within and for the District aforesaid duly authorized to administer oaths E. A. Dawson, to me personally well known to be reputable and entitled to credit, and who being by me first duly sworn according to law, deposes and

and says: My name is F. A. Dawson, my age is 52; my race; my post-office address Tulsa, Ind. Terry. I am a farmer by occupation, I am a citizen of the Cherokee Nation, I. T. by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: That he is personally well acquainted with the claimant, Joanah Barber- whose father's name was Elizabeth (commonly called Betty) Petty, Dec'd nee Elizabeth Dawson, - a Cheroke Indian by blood, and who was the sister of his father: James Dawson, Dec'd, a recognized and acknowledged Cherokee Indian by blood- and was also a sister of Robert Dawson Dec'd a recognized and acknowledged Cheroke Indian by blood- said Robert Dawson having been a full brother to said James Dawson- that therefore the said claimant, Joanah Barber is his (affiant's) first cousin by Cheroke Indian blood and that he so recognized and acknowledged her.

(signed) F. A. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry this third day of December A.D.1894.

(seal) (signed) W. J. Rasmus,
United States Commissioner."

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"UNITED STATES OF AMERICA.)
Western District of Arkansas.)ss

In the case of Joanah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian Authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William J. Rasmus, a Commissioner of the U. S. Dist. Court within and for the District aforenamed duly authorized to administer oaths Francis M. Dawson, to me made personally well known to be reputable and entitled to - - and who - - duly sworn according to law deposes and says: My name is Francis M. Dawson my age is about 57 years, my post-office address is Afton, Ind. Terry, I am a farmer by occupation, I am a citizen of the Cherokee Nation, by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: I am personally well acquainted with the claimant Joanah Barber, whose mother's name was Elizabeth (commonly called "Betty") Petty, nee Elizabeth Dawson, a Cherokee Indian by blood, said Elizabeth Petty was a sister of my father Robert Dawson Dec'd, a Cherokee Indian by blood- and I acknowledge the relationship by Cherokee Indian blood of Joanah Barber to me as first cousin- and I know that the said Joanah Barber therefore is of Cherokee Indian blood.

(signed) F. M. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Ter. - this 12th day of November A.D.1893.

(seal) (signed) W. J. Rasmus,
United States Commissioner.

Indorsed on back as follows: "No. 1 Filed Dec 24 1894. Jas. A. Winston, Clerk."

"Page 30, Docket "B"
Joannah Barber.
Office Commission on Citizenship,
Tahlequah, C. N. August, 1897.

Docket, No.	Names	Age, Sex.	Post Office,	Atty.
1	Joannah Barber	51 female	Vinita, I. T.	
2	Ailcy J. Barber	34 female		
3	Irena Barber	24 female		
4	[illegible] Barber	22 female		
5	Atta Barber	20 female		
6	Mary Barber	17 female	applicant for	
7	Onice Barber	17 female	Cherokee Citizenship	
8	Joel Barber	31 male	Rolls 1835	
9	Calaway Barber	27 male		
10	Toliver Barber	30 male	Ancestor	
11	Riley Barber	15 male		
12	Edgar Barber	9 male		
	V.S.		John Rogers &	
	Filed Aug.12, 1897.		Alcy Pruett	

See decision this case in that of L. R. Dawson, adverse to claimant in this Book page 20.
This April 26th, 1899.
E. S. Williams, Clerk com.
Will. P. Ross, Chairman,
J. E. Gunter, Com."

"S. R. Dawson.
Office Commission on Citizenship,
Tahlequah, C. N. Aug. 11th, 1897.

Docket, No.	Names.	Age. Sex,	Post Office	Atty.
1	S. R. Dawson,	60	Catoosa, I. T.	
2	Parlee Dawson,	44 female		
3	America J. Dawson,	35 female		
4	Katherine J. "	35 female		
5	J. C. Dawson,	31 male		
6	Elias F. Dawson,	29 male		
7	Toliver Dawson,	27 male	Applicant for	
8	Emma Dawson,	26 female	Cherokee	
9	Fanny Dawson,	13 female	Nation	
10	John Riley Dawson	male		
11	Robt. E. Dawson,	9 male		
12	Clara Dawson,	7 female		
13	Cleveland Dawson	3	Ancestor	
	Filed Aug. 11, 1897.		John Rogers	
	Rejected April 26, 1899.			

Now this day comes the above case for final hearing, Samuel R. Dawson bases his application for re-admission to Citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson, a white man, Polly Parris, the full blood daughter of Captain John Rogers, and Cilley Pruett said to be the daughter of Joseph Vann, a full blood Cherokee who was a [illegible] Cherokee blood. It is [illegible]

Chilsey Proctt died before the rolls upon which their names would appear if living at this time, and specified in the 7th Section of the Act of December 6th, 1886, creating the Commission on Citizenship were made, but in support of the application it is urged that certain members of the Dawson family the full brothers of the applicant were admitted to citizenship by the Commission on Citizenship commonly known as the "Tehee Court" and "Spears Court" and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the consideration upon which determined the decisions of those Commissions or the testimony now introduced to authorize the admission of the present applicant is not relevant in the issue now pending. The 7th Section of the Act of December 6th, 1886, before mentioned provides that the Commission hearing to any person applying for citizenship in the Cherokee Nation upon the grounds of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States, or hereafter enumerated, neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls, the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission of citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the case of Andrew J. Dawson, James K. P. Dawson, Josannah Barber, nee Josannah Dawson, and Jane Queen, nee Jane Dawson and their families as enumerated in their respective applications.

Will. P. Ross, Chairman,
F. Bunch, Commissioner,
John E. Gunter, Commissioner.

This April 26th, 1889,
D. S. Williams, Clerk Com."

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United States of America,)
Indian Territory, (ss.
Northern District.)

W. C. Rogers being duly sworn on oath deposes and says: that he is a citizen and resident of the Cherokee Nation, Indian Territory. That his post-office address is Skiatook, Ind. Ter. that he was born and raised in the above said Nation and Territory; that he is 46 years of age:

Affiant further states that he is slightly acquainted with Irena J. House, an applicant for admission to citizenship in the Cherokee Nation as shown by copy of her application.

Affiant further states that his father's name was Charley Rogers- who was a son of Captain John Rogers and the said Capt. John Rogers was the only man of that name that ever lived in the Cherokee Nation that this affiant ever heard of; that the said Capt. John Rogers this affiants grandfather lived at Grand Saline, I. T. and died in Washington, D. C.

This affiant states that his father Charley Rogers had one sister and five brothers viz. Synthia Rogers, Lewis Rogers, George Rogers, Nelson Rogers, Grandville Rogers and Randolph Rogers; that he (this affiant) was well and personally acquainted with the above said parties- except Grandville and Randolph Rogers, who were killed when this affiant was quite young.

This affiant states that he was 34 years of age, when his father, Charlie Rogers died, that his father never had any other family (line in ink drawn through word family) brothers or sisters than the ones above mentioned; that the said Polly Rogers named in the application for citizenship of Irene J. House, was not a sister of his fathers; that his father never had but one sister viz. Cynthia Rogers that this affiant ever heard of; that this affiant was well acquainted with his aunt Cynthia Crump."

Just here the following is inserted on separate paper:

"EXECUTIVE DEPARTMENT OF
CHEROKEE NATION. I, John L. Adair, Executive Secretary of the Cherokee Nation, do hereby certify that I have compared the foregoing with the original record in this Department, and that the same are correct copies and transcripts therefrom.

In witness whereof I have hereunto set my hand and affixed the Great Seal of said Cherokee Nation, at Tahlequah, this, the 5th day of Feb. 1896.

(Seal) (signed) John L. Adair,
Executive Secretary."

Then the above affidavit continues:

"(nee) Rogers that she lived with this affiant's father for a number of years prior to here de th.

Affiant states that he was often talked with his father, Charlie Rogers and his aunt Cynthia Crump (nee Rogers) about his relatives; that they never spoke of any other sister in their family; that his affiant was about 20 years of age when his aunt, Cynthia Crump died; that they told him there never was (words "never was" marked over with ink) father never had any other daughter or daughter other than Cynthia Rogers

Affiant states that his father told him a number of times, that this affiants grandfather Capt John Rogers never had any other family other than the one above mentioned; that this affiant never heard his father Charlie Rogers or any of his relatives speak of his grandfather Capt John Rogers ever living or remain; a boat up any river.

Affiant states his father Charlie Rogers was born on Big Mulberry, South-east of Van Buren, Arkansas, in the year of 1817.

Further affiant saith not.

. Rogers.

Subscribed and sworn to before me on this the first day of October, 1896.

(signed) William M. Hall,
Notary Public,

(seal) My Commission expires January 16th, 1900."

"United States of America,)
Indian Territory,)ss
Northern District.)

Be. Sand [illegible] states; that [illegible] citizen [illegible] tion, Ind. Ter. [illegible] this [illegible] years of age.

Affiant states that she is the daughter of Charles Rogers; that her grand father on her father's side was Capt John Rogers. Affiant further states that W. C. Rogers is her brother, and that she has read the foregoing affidavit of W. C. Rogers, and knows the contents thereof; that the facts therein set forth are true as she verily believes.

(signed) Sarah Carter.

Subscribed and sworn to before me this the first day of October, 1896.

William H. Hall,
Notary Public.

My Commission expires January 16th 1900.
(seal)

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Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. - (have torn off) A. B. Montgomery, Commissioners.

In the matter of the application of Jennah Barber et al- for citizenship in the Cherokee Nation.

Nation's No.1573
Commission's No...

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs to said application, and for grounds thereof says:

1st. That this Commission has no jurisdiction over the parties or subject matter of this controversy, and not legal right, therefor, to hear or determine the same.

2nd. That the application does not state facts sufficient, in law, to show that the applicants are entitled to citizenship.

Respondent now waiving the aforesaid demurrer, but insisting upon the same for the purpose of said application, says that John Rogers through whom the petitioners claim to derive their right of citizenship in the Cherokee Nation, is not now, and never has been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory; that the records of said Nation do not show that said John Rogers was ever admitted to citizenship in said Nation; that neither the petitioners nor their ancestors have resided in the Cherokee Nation since the removal to the Indian Territory, as appears from the records.

Respectfully submitted, your respondent asks to be heard in the premises.

S. H. Mayes, Principal Chief Cherokee Nation.

[illegible], Muskogee, Indian Ter.

John L. Adair, being duly sworn, on [illegible] oath, says that he is [illegible] and that the facts therein stated are true, to the best of his knowledge and belief.

[illegible]

Subscribed [illegible]

(seal)

(signed) [illegible]
Notary Public.

Indorsed on back as follows: " 1894 90 Nation's No. 1577, Commission's No..... In re application of No 2 Joanah Barber Demurrer and Answer Filed Mar 13 1897 Jas. A. Winston, Clerk/ Filed Oct 7 1896 H. M. Jacoway, Secy."

BRIEF.

BEFORE THE HONORABLE COMMISSION OF THE UNITED STATES OF AMERICA,

duly appointed and empowered to Act, under and by virtue of the Act of Congress of June 4th 1896, to hear and determine all claims for citizenship of the Five Civilized Tribes of Indians, to-wit:
Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians.

In the matter of the application for citizenship in the Cherokee Nation, of Joanna Barber and her children, to-wit:

Onie E. Barber, Villior R. Barber, James D. Barber, Johnnie Barber and Joel A. Barber.

In the matter of the application for citizenship in the Cherokee Nation of Joel A. Barber and his children, to-wit: Mattie Barber, Toliver Barber, George A. Barber, Francis O. Barber, Jessie Barber and Ethel Barber.

In the matter of the application for Citizenship in the Cherokee Nation of Mary A. Barber and her child, to-wit: Inez Barber.

In the matter of the application for citizenship in the Cherokee Nation of Ezra L. Murphy and her child, to-wit: Claude M. Murphy.

In the matter of the application for Citizenship in the Cherokee Nation of Ezra Moore and her children, to-wit: Anna J. Moore, Jackson D. Moore, Rhenby Moore and Gladys Moore.

In the matter of the application for Citizenship in the Cherokee Nation of Attie L. Hunt and her child, to-wit: Herman Hunt.

In the matter of the application for Citizenship in the Cherokee Nation of Alsey J. Grant and her children, to-wit: Georgia A. Grant and Emzy L. Grant.

In the matter of the application for Citizenship in the Cherokee Nation of Joannah J. Garlinghouse and her children, to-wit: Myrtle C. Garlinghouse, Cora L. Garlinghouse and Myrtle L. Garlinghouse.

In order that the Honorable Commission may clearly and fully understand the proof and merits of the Claims of the aforesaid Claimants, we deem it necessary to incorporate in the Honorable Commission, the sworn [illegible] to-wit:

Joanna Barber, [illegible] daughter of Elizabeth Patsy, [illegible] Polly Dawson, nee Rogers [illegible] John Rogers, who was a Cherokee Indian [illegible] the proof herein submitted.

Joel A. Barber is a son of Joanna Barber, nee Petty and grand son of Elizabeth Petty, nee Dawson and a great grand son of Polly Dawson nee Rogers and a great great grand son of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted. Mary A. Boner, whose maiden name was Mary A. Barber, is a daughter of Joanna Barber and grand daughter of Elizabeth Petty, nee Dawson and great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Ella Murphy, whose maiden name was Ella Boner, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabethe Petty, nee Dawson and a great great grand daughter of Polly Dawson nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Erma Moore, whose maiden name was Erma Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof.

Attie L. Hunt, whose maiden name was Attie L. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blodd, as shown by the submitted proof.

Alcey J. Smart, whose maiden name was Alcey J. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson, and a great grand daughter of Polly Dawson, nee Rogers, and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joanna J. Carlinghouse, whose maiden name was Joanna J. Smart, is a daughter of Alcey J. Smart, nee Barber, and a grand daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, nee Rogers, and a great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Therefore, the Claimants pray the Honorable Commission, that after a careful examination of their application and an impartial investigation of the proof herein submitted, you will adjudge each of said Claimants, together with their aforementioned Children, entitled to citizenship in the Cherokee Nation, and that you place the name of each Claimant, together with the names of their aforementioned Children, upon the Cherokee roll, and that you grant to them all the rights, privileges and immunities of citizens of the said Cherokee Nation.

(signed) Hubbard, Garland & Watts,
Council for Petitioners."

Indorsed on back as follows: "No. 3 Filed Feb 24 1897, Jas. A. Finston, Clerk."

Commissioners,
Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss, Alexander B. Montgomery—H. M. Jacoway, Secretary.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,
Vinita, Indian Territory, Oct 2, 1896.

Joanna Barber, Filed Sept, 8, Answer filed,
vs. Application denied.
Cherokee Nation.

I, H. M. Jacoway, Jr., Secretary, do hereby certify that the above and foregoing is a true and correct copy of Cherokee Record A, page 397 of the Commission to the Five Civilized Tribes.

Given under my hand and official signature this the 12 day of Feb. 1897.

H. M. Jacoway, Jr.,
Secretary."

Indorsed as follows: "1864 No. 4 Filed Feb 24 1897 Jas. A. Finston, Clerk."

"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Joanna Barber et al,
vs.
Cherokee Nation. No. 1864.

AFFIDAVIT FOR APPEAL.

Now comes the said Joanna Barber et al applicants for citizenship in this case by W. B. Pattie, one of their attorneys, and pray an appeal from the decision of the Honorable Commission to the United States District Court as provided by the Act of Congress approved June 10th, 1896.

And the said W. B. Pattie, being duly sworn and acting on behalf of said applicants makes oath that the appeal prayed for in this case is not asked for the purpose of delay but that justice may be done the applicants.

(signed) W. B. Pattie,

Sworn and subscribed to before me this 22nd day of December 1896.

(SEAL) (signed) J. C. Lindsey,
Notary Public.
My Commission expires March 28th 1897."

Indorsed: "Court 200."

Received of H. L. Maxey, Jr., Secretary of U. S. Commission to the Five Civilized Tribes, the original papers, in the case of [illegible] vs [illegible] Nation, as follows:

Witness my hand and official seal at Muskogee this the 20 day of Feby 1897.

(SEAL) (signed) J. G. Thaxton, Clk.

Indorsed: Court # 90 No. 1864, receipt for original papers in the case of Joanna Barber et al vs. Cherokee Nation. Received and filed this ... day of ... 189... Secretary.

IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY, NORTH ERN JUDICIAL DIVISION, AT MUSKOGEE, IND. TER.

Joanna Barber nee E. Barber, William H. Barber, James E. Barber, Jennie Barber, Joel K. Barber, Mary A. Barber, Ella Moore, Attie L. Hunt, Alcey J. Hunt, APPELLANTS.

VS.

CHEROKEE NATION, APPELLEE.

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Come now the appellants in the above entitled cause and petition the Court to grant them an appeal in said cause from a decision of the Commission, known as the Dawes Commission, created and empowered to treat with the five Civilized Tribes of Indians, to-wit: the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Indians, and to pass upon and decide applications for citizenship in the said five Civilized Tribes, which decision by said Commission was rendered by authority of, but not in accordance with, an Act of Congress passed and approved June 10th, 1896, and by which decision on the 28 day of October, 1896 the aforesaid appellants were denied their rights to citizenship in the Cherokee Nation, Indian Territory.

The facts relied upon by the appellants to establish their rights to citizenship in the Cherokee Nation, as aforesaid are as follows: to-wit: The affidavits of E. Dawson, S. E. Dawson W. A. Dawson, F. M. Dawson.

Said affidavits fully and conclusively establishing the fact that said applicants are Cherokee Indians, by blood and descent, and entitled to rights of citizenship in the Cherokee Nation.

Said affidavits, together with the application, of said appellants, were, prior to September the 10th, 1896, filed with and submitted to said Commission for its investigation, consideration and decision.

That a certified copy of said application, together with the no objection affidavits, were served upon the Chief, or Attorney General, of said Cherokee Nation, prior to September the 10th, 1896.

The errors of the Commission in rejecting the claims for citizenship of said appellants are the grounds for appeal to this Court, to-wit:

FIRST. The Commission erred in rendering its decision on said claims adversely to the appellants and against the proof submitted by said Appellants.

SECOND. The Commission erred in investigating the claims of Appellants and denying same during the absence of a majority of the members of the Commission.

THIRD. The Commission erred in refusing the appellants the right and privilege of examining the proof submitted by appellee in support of the matters filed by the appellee and denying the appellants the right of filing application to appellee's answer or producing proof in rebuttal of the same.

FOURTH. The Commission erred in denying the appellants the right of a trial of their claims by a competent jury, as granted to them by the law and constitution of the United States.

FIFTH. The Commission erred in refusing appellants the right to be present in person or by attorney, during the trial and determination of their claims by the said Commission.

SIXTH. The Commission erred in refusing to issue process for witnesses and to send for persons and papers when requested to do so by the appellants.

SEVENTH. The Commission erred in deciding against the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in deciding against blood, holding that blood was not a test of the right of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the question of residence, holding that residence in the Cherokee Nation was not a test of the right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their docket or record the grounds upon which the claims of appellants were denied and refusing to notify appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims and deny the same.

TWELVTH. That the act of Congress approved June the 10th, 1896, was unconstitutional and had no power or legal right to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

THIRTEENTH. That Congress had no power by enactment to create, appoint and empower a judiciary, and said Commission erred in denying the claims of said appellants without any legal authority to do so.

Therefore, the appellants of this cause pray that an appeal be granted to this Court and that a trial, de novo, be granted the appellants, and that said appellants be permitted to introduce new testimony, and that an order be made requiring said Commission to send all pleadings, papers and records filed before it in this cause to this Court, and that the Cherokee Nation, the appellee in this cause, be cited to appear

at this Court and plead and defend against the appeal and show why the appellants should not by the rules, orders and decisions of this Court be adjudged entitled to citizenship in the said Cherokee Nation, and the appellants will ever pray.

(signed)

W. T. Watts,
A. H. Garland,
H. J. Watts,
Attorneys for Appellants."

Indorsed on back: "Cherokee Citizenship Case, No. 90 No 5 Joanna Barber et al vs Cherokee Nation Filed Dec 23 1896 Jas A Winston clerk Watts, Garland & Watts, Attorneys for Appellants."

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"SUMMONS.

SC wgw

United States of America,
Indian Territory,
Northern District. } ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the Northern District, Indian Territory:

You are commanded to summon the Principal Chief of the Cherokee Nation, or the Attorney General of said Nation, to appear on the first day of next May term of the United States Court for the Northern District, Indian Territory, at Muskogee, Indian Territory, being the 4th day of May, 1897, A.D. 189— a petition praying an appeal from the decision of the Commission to the Five Civilized Tribes duly filed in said Court by Joanna Barber, Onis E. Barber, Wm R Barber, Jas E Barber, Jennie Barber, Joel A. Barber, Lary A. Barber, Emma Moore, Attie L. Hunt, Alony J. Smart, who claim to be entitled to be enrolled as citizens of said Nation, to the United States Court for the Northern District, Indian Territory, which petition is now pending in said Court, and warn him upon a failure to answer petition within thirty days from the time of the service of this writ, the same will be taken for confessed, and you will make due return of this summons within ten days after the actual service of this writ.

Witness the Honorable William M. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 28th day of Dec. 1896 A.D.189—

(signed) J. A. Winston, Clerk.

(SEAL)"

"MARSHAL'S RETURN.

I received this summons the 28" day of December A.D. 1896 and served the same as follows: W. T. Hutchings, Attorney for Cherokee Nation Indian Territory Accepted Service on the within at Muskogee, Ind Ter on this 12" day of January 1897

(signed) W. T. Watts

U. S. Marshal

By .....Deputy."

Indorsed on back as follows: "Citizenship Case No. 30 No. 6.. Nation... Sam Jones....Attys for Claimants."

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"Joanna Barber et al.
vs. No.30.
Cherokee Nation.

Mr. H. A. Gibson, Special Master, to whom this case was referred, submits the following report:

'IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,
NORTHERN DISTRICT, AT MUSKOGEE.

JOANNA BARBER ET AL)
-VS)- : REPORT OF SPECIAL MASTER.
THE CHEROKEE NATION.)

----------oOo----------

I, H. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings herein, which is hereto attached and made a part hereof, and what I find as follows:

I

This this cause was instituted on September 9th, 1896, before the Dawes Commission to the Five Civilized Tribes, by Joanna Barber, and Isaac J. Barber, her husband, and their Children, Onis E., William R., James E., Johnnie and Joel A. Barber. That Joel A. Barber has the following children, Hattie Toliver, George A., Frankie O., Jesse and Ethel Barber. That the application includes also Mary A. Boyer and her child Inez Boyer, Emma L. Murphy and her child Claud Murphy, Ema Moore and her children Anna J., Jackson D., Ruby and Gladys, Attie L. Hunt and her child Dorris Hunt, Albey J. Smart and her children Georgia A. and Erzey L. Smart, Josie J. Garlinghouse and her children Myrtle C., Cora L. and Bertha M. Garlinghouse. That this application was by the Commission tried and rejected on October 20th, 1896, with no reasons given for the decision, and that subsequently on December 28, 1896, the claimants appealed to this Court. That the parties all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be admitted to citizenship in the Cherokee Nation by reason of their descent from Polly Rogers, who is claimed to be a Cherokee Indian by blood. That there filed in support of their application the affidavits of S. R. Lawson, E. Lawson, Francis J. Lawson, and T. A. Lawson, who testify that Joanna Barber is a granddaughter of Elizabeth Reedy, nee Lawson, who was a daughter of Polly Rogers, who was a full blood Cherokee Indian; that Israel Lawson, another daughter of Polly Rogers was the wife of Captain John Rogers and Ailsey Vann. That they claim to be all Cherokee citizens by blood, [illegible]

claimants, and according to their testimony, related to them by blood.

The applicants introduced to controvert this testimony the decision of the Cherokee Commission on Citizenship, rendered in the case of [illegible], in which these claimants were rejected by this Commission and also the affidavits of T. C. Rogers a grandson of Captain John Rogers, and Mrs. Sarah Carter, a granddaughter of Captain John Rogers, both of whom state that they never heard of any daughter of said Captain John Rogers by the name of Polly Rogers, and that Cynthia Rogers was his only daughter.

III

The claimants contend that they are residents of the Cherokee Nation, and are relatives of the Dawson family, who are recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the applicants contend that John Rogers, through whom the petitioners claim, is not and has not been a citizen of the Cherokee Nation since the removal west; that his name does not appear on the rolls of the Cherokee Nation, and that he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

The premises considered, in view of the unsettled condition of affairs in the Cherokee Nation at the time when Captain John Rogers, the ancestors through whom these claimants trace their Cherokee blood, lived, and especially in view of the absence of a marriage law and of records pertaining to marriage, I am of the opinion that these claimants have proved that they are descended from Capt. John Rogers, who resided in the Cherokee Nation, and was a recognized citizen, though they do not show that he was ever enrolled as such, and I therefore find that the claimants are all residents of the Cherokee Nation, Indian Territory, and that they are all Cherokee Indians by blood. That they have resided in the Cherokee Nation since 1907, and probably longer, though the proof does not state definitely how long they have so resided.

I ask that the Court allow me a reasonable fee for my services here in the Special Master.

Respectfully submitted this 17 day of August, 1907.

(signed) W. A. Gibson,
SPECIAL MASTER.

My fee paid.
No exceptions filed."

BY THE COURT:

From this report it appears that the claimants base their right to be enrolled as citizens of the Cherokee Nation upon the grounds that they are the descendants of a Cherokee Indian by blood, but their ancestors through whom they claim have never resided in the Cherokee Nation as now constituted. It appears that they have resided in the Cherokee Nation since 1907, and probably longer, that the proof does not state definitely how long they have so resided. It does not appear that any of the claimants or any of their ancestors have ever been recognized as members of the Cherokee Nation.

The judgment of the United States Commission rejecting this case is affirmed, and the application of the claimants

to be enrolled as citizens of the Cherokee Nation is denied."

Indorsed on back: "90 No." Joanna Barber et al vs Cherokee Nation, Final Report of Special Master, Filed August 17, 1897, Jas A. Winston, Clerk."

Foregoing papers in Joanna Barber case enclosed in jacket indorsed: "90 Joanna Barber et Vs Cherokee Nation."

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"NOTICE.

90C

UNITED STATES OF AMERICA)
INDIAN TERRITORY (SS
NORTHERN DISTRICT.)

In the United States Court for said District.
In the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation.

To the Commission to the Five Civilized Tribes.

You are hereby notified that an appeal has been taken in the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said Court to transmit at the earliest time practicable to said Court, at Muskogee, Indian Territory, a transcript of all the entries made in the docket of your tribunal relating to the case, together with the depositions and testimony taken before said tribunal; the decision thereof on the application, and all original papers relating thereto.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 27 day of Dec. 1896. A.D. 189—.

(SEAL) (signed) J. A. Winston, Clerk."

Indorsed: "No. 1864 Joanna Barber et al vs Cherokee Nation, APPEAL ORDER OF U. S. COURT."

Foregoing paper enclosed in jacket marked: "No. 1864."

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BY MR. HUTCHINGS:

We now introduce the original record in the citizenship case of Irene J. House, et al., before the Commission in 1896, the court number of same being 238, said case being denied by the Commission; appealed to the United States Court, and the decision of the Commission affirmed.

In this case we desire to call especial attention to the certified copy filed therein of the testimony of Arthur Baker, the certified copy having been made in 1894, being the testimony of Dr. Baker in the case of Robert Dawson against the nation, number 108, before the Citizenship Commission, and which was made January 19, 1893.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The papers in Court No. 338, just introduced above, are as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19, 1882.

No. 106.
Robert Dawson et al) Exhibit C.
vs (
Cherokee Nation,)

Testimony for Claimants.

Witness, Dr. Arthur Baker sworn testified as follows:

My name is Arthur A. Baker I reside at Berryvill Arkansas Carroll County my age is 73 years I am not a Cherokee. I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carrolls County some 35 years - At my Mothers house near Calhoun I became acquainted with the claimants Robt Dawson grandmother on mother's side she was frequently at my mothers house though she Anna Pruet lived in the Nation side; She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee, the first time she brought the claimants mother to my mothers house she the mothers mother was about grown when I was a little boy. She called her daughter Polly Rogers, Said Captain John Rogers who ran a boat up the River was the father of the child; I saw the girl frequently there at my mothers and there at Louis Ramses Store. I saw her occasionally until I was 15 or 16 years of old and I think then Old Capt. John Rogers took her off to school, I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson, I stayed all night there and we and I had a talk over our old matters and I asked her where she became acquainted with Dawson and she said at the time she was going to school and she said after she left school that Dawson followed her home, to the Nation and they were there married. I have told that precisely in the words that she used, Capt John Rogers claimed to be one fourth Cherokee. The claimant is the son of Polly Rogers, and I know Polly Rogers to be the daughter of Anna Pruett and I know the claimant to be the son of Polly Dawson.

Capt. Rogers then resided in the Cherokee Country about twenty (Word "twenty" marked through) twelve miles below Calhoun on the Hiwassee River Anna Pruett resided in the Cherokee Nation as long as I stayed there to Dawson when I got acquainted with them Arkansas were recognized where they were as Cherokees. Robert Dawson children in Buck, John, Marian and two girls, The children named in the petition I recognized as being the claimants.

Question by Solicitor:

Qu. 1 How many children did Polly Rogers have?
Ans. 1 Five I think that's all.
Qu. 2 Did you say so other about so one be married twice?
Ans. 2 The claimant was married twice.
Qu. 3 Could Anna Pruet speak Cherokee?
Ans. 3 Yes, she could speak it well.

Ques 4 Did Polly Rogers speak Cherokee?
Ans. 4 She did when I was young.
Ques 5 How far did you live from Anna Pruet?
Ans. 5 Just across the river about 3/4 of a mile.
Ques 6 Was Calhoun in the Cherokee Nation?
Ans. 6 It was on both sides of the river part in the Nation and part out in the state.
Ques 7 Which Harnage was it went to Texas?
7 George went first, then John went, they were the sons of old man Harnage, that lived up near the line.
Ques 8 Did the Claimant go to Texas?
Ans. 8 No the Claimant did not go to Texas.
9 What connection was claimant and Polly Rogers?
9 The Claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.
10 Where does claimant now live?
10 He lives in Carroll Co Arkansas.
11 Do you know what relation old Capt John Rogers was to Charles Rogers here in Coowescoowee?
11 They claimed him but what kin I dont know there were two Capt John Rogers in the Nation I am speaking of the time when I first come to this country about the year 1830.
12 Was Anna Pruet the maiden name of claimants grandmother
12 Yes that was her maden name the Indian called her Sinee

his
(signed) Arthur x Baker
mark

Witness hand paralyzed is the reason why he signed by a mark thus x

I R T Hanks Assistant Executive Secretary do hereby certify that the foregoing document is a true and correct of the riginal as appears of record in the Executive Department of the Cherokee Nation.

Given under my hand and the seal of the Cherokee Nation on this the 5th day of December 1894.

(signed) R. T. Hanks,
(seal) Asst Exec Sec. "

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"To the Honorable the Dawes Commission on Citizenship in the Five Civilized Tribes in the Indian Territory:

Your petitioner, Irena J. House, undersigned, respectfully states that she is a Cherokee Indian by blood, as asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That she derives her said Indian blood from Joannah Barber her mother, who is a Cherokee Indian by blood The said Joanna Barber being a daughter of Elizabeth Petty who was the daughter of Polly Rogers and Samuel Dawson, the said Polly Rogers being the daughter of Captain John Rogers and Anna (alsy Vann) Pruet, Cherokee Indians, as shows by a certified copy of the affidavit of Dr. Arthur A. Baker, which is hereto attached as Exhibit A also affidavits marked exhibits B- C- D- and E.

Your petitioner states the above facts as the lawful grounds for her application for citizenship in the Cherokee

Nation, and prays th t her claim may be fully inve tigated by your Honorable Commission and that she be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nati n of Indians.

My age is 34 years. My Post Office address is Talala, Ind. Ter. My family consists of the following named persons: My husband and children as follows:
W. J. House, aged 34 years; Chas. C. House, aged 9 years; Vinson T. House, aged 8 years, Anny M. House, aged 5 years.

WITNESS my hand this 19 day of August 1896.
(signed) Irene J. House.

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Northern Judicial
District, Ind. Ter. SS.

Personally appeared before me, the undersigned authority, Irena J. House, to me known to be the petitioner in the above petition, who being by me first duly sworn upon her oath says that she is the petitioner in the above petition, that she has read (or heard read) the said petition and that the facts stated therein are true, as she verily believes.
(signed) Irene J. House.
Subscribed a d sworn to before me at Talala, Ind. Ter. this 19 day of August A.D.1896.
(signed) J. Barricklaw,
Notary Public, My commission expires
(seal) June 8 1899."

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"Exhibit A.
Northern Judicial Division,
Indian Ter itory.
Joanah Barber being duly sworn according to law. on oath states my name is Joanah Barber I am 61 sixty one years old My Post office address is Vatova Ind Ter- My husband occupation is farmer I am a Cherokee in Coowescoowe Dist I am a Cherokee Indian by blood my mother being Elizabeth Petty (nee Dawson) Daughter of Samuel Dawson and Polly Dawson (nee Rogers) and said Polly Rogers is a daughter of Capt Rogers and Anna Vann (com only called Alsey Vann) the following Irene J. House is my daughter; she was born in Williamson County, Texas May 13" 1863, moved with her husband children to the Indi n Tery and settled near Talala I Tery
(signed) Joanah Barber
Subscribed and sworn to before me this 19" day of Aug.1896.
(signed) J. Barricklaw,
Notary Public, My commission expi es
(seal) June 8 1899

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"EXHIBIT B.

Indian Territory,
Northern Judicial Distriot ss.
F. M. Dawson being duly sworn according to law deposes and says:

My name is F. M. Dawson; I am 54 years of age; My post office address is Afton Indian Territory I am a farmer by occupation and reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood. I was born in Carroll County Arkansas near Berryville. I derived My Cherokee Indian blood from my grandmother whose maiden name was Polly Rogers through my father Robert Dawson, My grandmother Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee. My grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1832 and settled in Western Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory, Robert Dawson, the father of the affiant was also a recognized citizen of the present Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson father of this affiant and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of said Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers The said Elizabeth Petty was the mother Of Joanna Barber who is a full cousin by blood of this affiant in the Indian side. The said Joanna Barber is the mother of Irena J. House nee Barber who is a second cousin of this affiant in the Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and drew their per capita money all the last payment; said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, derives her Indian blood and right.

This statement I have made to John H. Koogler, a Notary Public at Muskogee Indian Territory and it has been written down by him at my dictation. Such part of this testimony which refers to matters occuring previous to my recol ection I know by means of family history and traditions which facts I have always been taught and told of by my parents and grand parents from childhood up, th facts stated as occuring since my childhood I know of my personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irena J. House for citizenship in the Cherokee Nation.

(signed) F. M. Dawson."

"Indian Territory,
Northern District.

I John H. Koogler, hereby certify that the annexed and foregoing statement and affidavit was dictated to me by F. M. Dawson and was subscribed and sworn to by him and was written by me from his oral statement at my office in Muskogee Indian Territory this 14 day of August 1896, and I further certify that the said F. M. Dawson is personally known to me and that he is a creditable person and entitled to belief.

(seal)

(signed) John H. Koogler,
Notary Public."

Northern Judicial District,
Indian Territory. EXHIBIT D.

E. Dawson, being duly sworn according to law on oath states: My name is E. Dawson; I am 61 years old; My post office address is Talala, Ind. Ter. I am a Farmer by Occupation, and reside in Cowweescoowee District- Cherokee Nation. I am a recognized Cherokee Indian by blood, and exercise all the rights and immunities of a Cherokee Citizen now living in the present Cherokee Nation. I was born in Carroll County Arkansas near Berryville I derived my Cherokee Indian blood from my Grandmother Polly Rogers through my father, Robert Dawson. My grandmother Polly Rogers was a Cherokee Indian and was married to my grandfather Samuel Dawson in the Old Cherokee Nation in Tennessee. My Grand Parents, Samuel Dawson and his wife Polly Dawson whose maiden name was Policy Roger came West from the Old Cherokee Country in about the year 1832, and settled in Western Arkansas, and later came on to the Cherokee Nation. My Father Robert Dawson was a recognized member of the Cherokee Nation when he died, by reason of his Cherokee Indian blood.

The said Robert Dawson, the father of this affiant, and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of the said Samuel Dawson and Polly Dawson his wife she being the same Polly Rogers as aforesaid. The said Elizabeth Petty was the mother of Joanah Barber who is a full cousin by blood of this affiant on the Indian side, the said Joanah Barber is the mother of Irena J. House, whose maiden name was Irena J. Barber and a second cousin of this affiant on the Cherokee Indian side. This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cheroke Indians of the present Cheroke Nation and exercise all the rights and privileges of such Cherokee citizens, they having drawn their shares of the Strip Money at the last per capita payment made by the Cherokee Nation.

Said citizens and relatives derived their Cherokee Indian blood from the same source, as did the above named Irena J. House.

I have made this statement before J. Darrichaw, Notary Public at Talala, Ind. Ter., and affiant further states that he has no personal interest in the prosecution of the claim for citizenship in the Cheroke Nation of the said Irena J. House.

That the above facts which are within the personal knowledge of the affiant, within his years of discretion he knows personally, and the other facts which [illegible] the recollection of affiant he testifies to [illegible] he has been taught [illegible]

[illegible] the relations existing among his people in the Cherokee Nation [illegible] his personal knowledge and that they are [illegible]

(his X mark) E. Dawson.

Subscribed and sworn to [illegible] this the 1st day of August 1896. (signed) J. Darrichaw,

Notary Public [illegible], I.T.

Cherokee Nation,
Coowescoowee District. EXHIBIT E.

Before me the undersigned authority this day, personally appeared W. A. Dawson who is to me well and personally acquainted, and after being duly Sworen; deposeth and says, that he is well acquainted with Irena J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of Joana Barber, who is a neice of Robt. & James Dawson, who are both Cherokee Indians and recognized citizens of the Cherokee Nation.

Affiant further states that Irena House is the grand daughter of Mrs. Petty, who was a full sister of Robt & James Dawson.

Affiant further says that he knows that Irena House is a lineal descendant of Annie Dawson whose children (line drawn through word "children") sons, Robt & James before spoken are recognized citizens.

Affiant further says he has no interest in this suit.

(signed) W. A. Dawson.

Sworn and subscribed to before me this 17 day of August 1896.

(signed) William Lynch
Notary Public.

(Seal) My term expires Feb 6 1900."

Foregoing indorsed on cover as follows:
"No: 3099 5464 Before the Dawes Commission on Citizenship in the Five Tribes. Irene J. House V.S. The Cherokee Nation. Petition and Proof, Will E. Linton, for Petitioner. Filed Sept 8 1896 A. S. McKennon, Com'r. Denied. Filed Feb 26 1897 Jas A. Winston clerk."

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"Received of M. M. Jacoway, jr., Secretary to the Commission to the Five Civilized Tribes the original papers in the cause of .... vs..... Nation, as follows..... Witness my hand and of icial seal at Muskogee this the 26 day of Feb' 1897 J. A. Winston, Clerk."
(Seal)"

Indorsed: "Court No.238 No. 5464 Receipt for original papers in the case of Irena J. House vs. Cheroke Nation, Received and Filed this ..... day of..... 189..."

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"Irene J. House et al,
vs. No. 238
Cherokee Nation.

Mr. W. A. Gibson, Special Master to whom this case was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSCOGEE.

IRENE J. HOUSE ET AL

VS # 238 REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION.

---oOo---

I, N. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings on file in this case which are made a part of this report, and that I find as follows:-

I

That this case is in reality a branch of Case No. 90, Joanna Barber vs Cherokee Nation, the principal claimant herein being Irene J. House a daughter of Joanna Barber.

That this cause was instituted on September 8, 1896 at which time application was made to the Commission to the Five Civilized Tribes for citizenship by blood in the Cherokee Nation.

That this case was tried by the said Commission on November 24, 1896 and the applicants denied, no reasons being given for the decision, and that on January 20, 1897, the parties appealed from said decision to this Court.

That this application was made by Irene J. House, her husband, T. J. House, and their children Chas., C. Winston T., and Henry W. House. That they file in support of their application the affidavits of Joanna Barber, F. L. Dawson, Arthur A. Baker, E. Dawson, and T. A. Dawson. That these Dawson witnesses are citizens by blood of the Cherokee Nation, and state that they are related by blood to the claimants herein on the Cherokee side. The claimants base their contention of a right to Cherokee citizenship upon the fact that the claimant Irene J. House is the daughter of Joanna Barber, who is the daughter of Elizabeth Petty, who was the daughter of

Polly Rogers, and that Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann, who were recognized Cherokee citizens by blood. That the testimony shows that the Dawson family are recognized citizens of the Cherokee Nation, and that the claimants herein are cousins by blood on the Indian side and that they all claim through [illegible] Polly Rogers and Captain John Rogers and Ailsey Vann, who were all recognized Cherokee Indians.

II

The attorneys for the [illegible] of the application of the claimants [illegible] Commission on Citizenship in the year 1896 [illegible] examination of the old rolls, and further the [illegible] Rogers, and Mrs. Sarah Carter, a granddaughter [illegible] state that they never heard of any daughter of Captain John Rogers by the name of Polly Rogers, and that he had only one daughter, whose name was Cynthia.

III

The Claimants contend that they are residents of the Cherokee Nation and are relatives of the Dawsons, who are

recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name does not appear on the rolls of the Nation, and that neither he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

IV

The premises considered, I find that the claimants are the descendants of Captain John Rogers, and that it was entirely possible that in the condition of affairs at that early date in the Cherokee Nation, especially owing to the absence of a marriage law and of records pertaining to marriage, that these claimants should be the descendants of Captain John Rogers by a daughter, Polly Rogers, of whom the affiants for the appellee may never have heard.

I find that the claimants are residents of the Cherokee Nation, Indian Territory, where they have resided since 1887, and that they are Cherokee Indians by blood.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted, this 9 day of Nov 1897.

(signed) H. A. Gibson,
Special Master.

My fee paid,
No Exceptions filed."

Foregoing papers indorsed on cover as follows: "230, Irene J. House et al V Cherokee Nation Final Report of Special Master, Filed Nov 10 1897 Jas A. Pinston, Clerk."

Foregoing papers enclosed in jacket indorsed as follows: "230, Irene J House, et al vs. Cherokee Nation."

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BY MR. WATKINS:

Will we close for the present.

TESTIMONY INTRODUCED ON BEHALF OF THE APPLICANTS:

D. W. Duncan, being first duly sworn, and being examined, testified as follows:

BY MR. WATKINS:

Q Please state your name, age and residence? A My name is D. W. C. Duncan, my age is 72 years, my residence, Vinita, Indian Territory.
Q Are you a duly recognized citizen of the Cherokee Nation by blood? A I am.
Q You gave testimony in this case once before did you not, before the Dawes Commission? A I did.
Q Before this Commission I will say, this Commission? A The Dawes Commission? A Why I don't recollect who the Commissioner was, that was taken at Vinita, ex parte.
Q Were you in any way connected with the Cherokee Citizenship Commission in 1883 known as the "Tehee Commission"? A I was Clerk of that Commission.

Q For what length of time? A I don't recollect the exact length of time, I think it was about thirty days, during the continuance of that Commission, existance of that Commission.
Q You were the only clerk it had during its existance were you?
A I think I was.
Q You were Clerk of that Commission when it rendered a decision in favor of Robert Dawson et als, as found on page 114, of its record, numbered 108 (witness examines record referred to.) now in the possession of this Commission? A I was.
Q The members of that Commission were the same as shown by the signatures to this judgment were they? A The same, yes, sir.
Q Thomas Tehee, President of the Commission, Alex Wolfe and T. F. Thompson, Commissioners, that is correct, is it? A That's correct.
Q Were you present when this case was under consideration by that Commission and when it rendered this judgment in the case? A I was.
Q Were you at that time acquainted with R. M. Dawson, commonly called "Bob" Dawson", Campbell Taylor and Samuel H. Benge, who were attorneys, who were Cherokee attorneys at that time? A I might say that I merely knew Mr. Dawson; all I know of him was I saw him there as a party to the suit. I knew Mr. Taylor and Mr. Benge more extensively; I have known them a number of years.
Q They were recognized Cherokee citizens were they? A They were.
Q Was Taylor not known generally as a Citizenship Attorney?
A I think he was.
Q Do you remember seeing him and Benge present at the time this case was under consideration by the Court? A Why I do not recollect seeing Mr. Benge, I cannot recollect, but I can recollect of seeing Mr. Taylor about the Court room now and then.
Q Do you know who submitted the case to the Court for the applicants? A Let me understand the meaning of that; who brought the case?
Q Who called up the case? A No, I don't recollect.
Q Do you remember whether that Commission rendered any other decision than that found upon this record in that case? A I never had any knowledge only but one decision.
Q Was that in favore of or against the applicants? A It was in favor of them, I will say this: that if there was another decision other than the one that appears on the docket now before you, I have no recollection of it.
Q The only decision you have any knowledge of was recorded by you in the book as same shown was it not? A That is the only one that I have any knowledge of
Q [illegible] you and [illegible] connection with that case?
A [illegible]
Q [illegible] promise to pay you any money for your influence with the Court in that case? A Never.
Q [illegible] you any money, either directly or through any other person? A For my influence in that case?
Q Yes, sir. A Never.
Q Did you have any knowledge of him having paid to the Court or to any member of the Court any money for the purpose of influencing [illegible] in that case? A None whatever.
Q Did you have opportunity of observing his conduct during that [illegible] time? A The only opportunity what I had was during [illegible] Commission; I saw but very little of him during the [illegible] of the Commission, now and then I would see him in [illegible]
Q [illegible] in his conduct toward that Court which [illegible] had used undue influence in procuring that judg-

ment? A I never observed anything of the kind; nothing that awakened a suspicion in my mind that he was engaged in that kind of practice.
Q Did Cornbell Taylor at any time after the rendition of that judgment pay to you any money as coming through him from Bud Dawson for any services which you had rendered to him in that case?
A Yes, he paid me some.
Q That amount? A My recollection is that, I think it was a twenty dollar bill. I don't know but I had better go and state the transaction, all about it.
Q Yes, sir. A Mr. Dawson, Bud Dawson, during the trial of the case occasionally applied to me at my desk for writing paper, issue of a subpoena or transcript, something of that kind; I always treated him with courtesy and proper official consideration. He seemed to appreciate it, and whenever I did services of that kind to him, says he, I have no money, Mr. Duncan, but I feel as I ought to pay you. I told him I made no charges for work of that kind. And in passing I might state that I never received a cent for any kind of that work which I had been in the habit of doing for various parties before the Court.

After his trial was concluded, in the afternoon a little while before supper time I went to my hotel, The National Brick Hotel in Tahlequah; went to my room, felt a little tired, laid down upon the bed to rest. I recollect Mr. Duncan stepped into the room, drew a chair up to the bedside and sat down and commenced giving expression to his gratification at the success of his case, dwelling mostly upon the testimony in the case being so satisfactorily, establishing his Cherokee blood, and that he thought that he was entitled and that he had received justice by the Court. I listened to him, and we talked there I guess some ten or fifteen minutes; after a little he says, I must go to-morrow, I think he says to-morrow, I must go home,- he then lived down in Arkansas somewhere. Says he, Mr. Duncan, I believe I owe you something, ought to pay you something. Alluding, as I understood, to these little courtesies that I extended to him at my desk. Says I, I make no charges, Mr. Dawson, for services; if I have done you any good you are welcome. Well, says he, I feel indebted to you, I ought to pay you. I says, that rates me differ[illegible] I will leave that to you. Says he, I have hardly enough money to get back home. He shook my hand, and the last word he says to me, you won't lose anything for your kindness to me. I thought he had reference to my services at the desk. That was the last I saw of Mr. Dawson, & it must have been a year [illegible] I had taken a little claim on the public domain [illegible] district, still had what I intended to [illegible] I didn't make any other improvements, over [illegible] creek [illegible] over in that part of the country to look [illegible] and I ran across Mr. Dawson, he had gone in the [illegible] and built him a little shanty and was living in it. I called upon him, he was very glad to see me. I asked him what he was doing there: he said he had moved into the country, and I told him, says I, you are encroaching upon me here; he had staked his claim on part of mine, mine had been made so long it was outlawed under Cherokee law. Well, says Mr. Dawson, I don't feel like doing you any wrong, I will pay you for your claim, and we all noting the matter on that way, that he was going up to the little towns together that we would satisfy [illegible] for the [illegible] that it was worth for [illegible] you know,- I [illegible] him to Vinita, and says he, [illegible] come over my way some [illegible] went to you? says [illegible] for.

well, says he, I gave him some money and told him to hand it to you when he, and, says he, you ask him and he will hand it over to you I guess. Well we parted then. Well, went on for some time, some months; I happened to meet Mr. Taylor in Tahlequah; I met him on the street I think, jocularly I clapped my hand on his shoulder, says I, look here, did Mr. Dawson any money to me by you? He says, yes, and he pulled out what I recollect to be a twenty dollar bill, and handed it to me; I received it, and I received it with the idea that he was compensating me for taking my claim, or possibly for doing him those little services in the Court. Now that is the sum and substance of the whole thing.

Q Was not that twenty-five dollars, Mr. Duncan? A It might possibly have been, my recollection does not serve me exactly, it might have been 25 dollars.

Q Did Campbell Taylor pay you any other money as coming from Rud Dawson? A Never a cent.

Q Did he at one time pay you fifty dollars out of a hundred dollars which he had received from Mr. Dawson? A Never.

Q Did he on a second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson? A None at all.

Q He paid you no other money than that you have already stated, from Mr. Dawson? A Not a cent.

BY MR. McKENNON: We offer in evidence the judgment of the Cherokee Citizenship Commission before referred to, and ask that it be filed in evidence in the case of every application made by members of the Robert Dawson family who claim under it, or through Robert Dawson, as citizens of the Cherokee Nation, said judgment being found on page 114, Records of the Tehee Court, 1880 to 1884, case number 108, judgment dated January 11th, 1883, signed by Thomas Tehee, President, Alex Wolfe, T. F. Thompson, Commissioners. D. W. C. Duncan, Clerk Commission.

The said judgment just introduced is as follows:

"Office Commission on Citizenship,
Tahlequah, C. N., September 24th, 1881.
No. 108
Robt Dawson,
Elbert Dawson,
Jasper Dawson,
John Dawson,
Josephine Dawson,
Joseph Dawson,
Jane Dawson,
Molly Dawson,
Tilbron Dawson,
James Dawson,
Rial Dawson,
vs.
Cherokee Nation.

Petition for Citizenship

Continued by the Plaintiff, Oct. 5, 1881.

January 13th, 1883.

The above case continued by the Cherokee Nation till Sept.

agreed by the parties that the above shall not be taken
as the final disposition before the 4th day of Oct, 1882,
October 4th, 1882.
It is further agreed by the parties that this shall be read by
the Court as the [illegible] form of the claim of
[illegible] the case shall be [illegible]
1882.
[illegible] continuance can come till
January 1883.
[illegible] January A.D. 1883 this
case [illegible] all the evidence produced
[illegible] duly examined by the
Commission [illegible] by the commission
on this [illegible] Dawson, T. M. Dawson,
Elbert [illegible] Dawson, Wm. Dawson,
Joseph [illegible] Dawson, Stephen Dawson,
Jerom Dawson, [illegible] Dawson, Stephen Dawson,
that they [illegible] to [illegible] by blood, and
Cherokee citizenship [illegible] rights and privileges of
which [illegible] and that they
should be, and they are, hereby admitted to the full and
complete enjoyment of the same in all respects as native born
Cherokees.

(signed) Wm. Potts,
President of Com.

D. W. V. Duncan,
Clerk of Commission.

Alex Wolfe, } Solicitor,
T. F. Thompson, } &c.

Transcript issued to Claimants, January 11th, 1883,
(signed) D. W. V. Duncan, Clerk."

Original Note: "Case submitted by Claimant January 11th 1883. Case submitted by Solicitor January 11th, 1883."

Q Do you remember how many members of the Court were present when this judgment was rendered, or were all of them? A My recollection upon that matter is not positive; but [illegible] I know to be the practice of the Court at that time, being the rules of all [illegible] Commissioners there, I can say with a great deal of positiveness that they were all present, because I never signed the name of one of the Commissioners unless he was present, as [illegible] in my direction to it.
Q The resolution of that judgment was concurred in by all of the three Judges? A It was.
Q If, Duncan, if there had been a decision rendered the day before in this case while the Commission in session, advance to those Claimants; would you have known it? A I certainly would have known it.
Q Was there any decision of the Court? A None to my knowledge. I can say positively there was not.
Q How many of those Judges are not living? A Only one.
Q Which? A Mr. [illegible]
Q Potts and Wolfe are dead? A Potts and Wolfe are dead.
Q How long have they been dead, do you know? A I do not know, quite a number of years. I [illegible] living there, never lived near them at all their death occurred, but [illegible] a time before I got knowledge of it. It is generally understood that they are dead.

Q Do you see it here to have been the order of the Dawson Territorial Court, dated the 4th day of June A.D. 1903? A I have been thinking, and I can't recall to mind that I ever saw any other Dawson except that, until after that novel time that an announcement to the readiness of the jurisdiction.

(At this point a party who was sitting in the court in which the examination is being held, is called forward, sworn on behalf of the applicants, and asked to retire until called.)

BY MR. MACDONELL:

Q Mr. Dawson, when did you cease to be a clerk of the Yukon Territorial Court? A It must have been on account of the change, I do, at the time the Commission ran out and they reappointed the clerk of the Council in which they were sitting.

Q December 1903? A I think so.

Q That was the only reappointment you were ever in connection in 1903? A The Territorial Court Judges were elected sometimes.

Q The Court was elected in 1903 was it? A Well, I don't know the time, I don't pretend to say when the Court was elected, I was at home said at the time I was Dawson clerk, I was Dawson clerk just at the close of the session of the National Council of that year.

Q '04? A I think it was '04.

Q You entered up this judgment ordered January, 1903? A Yes, that was the mention of the commission.

Q That was before you were clerk of it? A Well I held my clerkship for some time you know continuously.

Q Well but when you came to enter that you were clerk from the Dom on some one got out? A No, I don't mean to say that.

Q How could you be clerk when the Dawson Court was passed on in 1903 when you were not elected until 1904? A I am mistaken in that, 1904 or so after '03,- it was the year preceding 1903, it must have been '02.

Q Your first entry in the Dawson docket is dated 12, 1903, isn't it? Q I don't remember what my first entry was. (Attorney shows the record to witness) Yes, that is the entry there on the 12 day,

Q And that was shortly after you became clerk wasn't it? A Yes, shortly after I became clerk.

Q The court had been entered upon the docket before you became clerk? A I think so, yes it had entered, in the previous term of the session of the Commission.

Q In whose handwriting was the names of the three Commissioners signed to that judgment? A Dawson Judgment?

(Attorney shows record to witness again) A That is my handwriting.

Q All three names? A All three names.

Q The record there shows that you immediately gave them that day a transcript of the judgment, do you know who signed that? A Signed the transcript?

Q Yes, sir. A I do not recollect now, this is, did the writing?

Q Signed the name to it? A Yes, that's it.

Q You always signed the names of Ogilvie and Petro didn't you? A I think I did pretty generally; I don't know of their attempting to write their own names.

Q Then Mr. Thompson there didn't he sign his own name? A Sometimes he did, sometimes he simply authorized me to do it.

Q Have you any recollection of him authorizing you to do it except from the fact that you have done it on that score frequently? A I don't recall the particular literal fact of authorization, but I say unconditionally that, consulting the record, that he authorized me to put his name there.

Q Will you look at the original transcript hereby shown you and referred to in the judgment and say who signed the names of the Commissioners there? A (Papers shown to witness) A I signed them there.
Q You recognize that as your handwriting? A I do.
Q What made you when you were testifying at Vinita before Mr. Martin, on looking at the same signatures, and being cross-examined by me, say that it was not your signature and that the signature thereto attached was the signature of Mr. Thompson? A Occurred in this way: I had not seen any of the records in the case for about nineteen years. The exact transaction in the court had vanished about entirely from my memory: I recollected at that time, however, when I gave in my testimony before the Commissioner, Martin, that that was a practice of the Court at the time I served by which I signed the names of the full-blood members of the Commission, and Mr. Thompson either uniformly or occasionally signed his own name. I based my statement in that deposition upon my knowledge of the rule or practice in the Court, without comparing the docket and refreshing my memory. I made an incorrect statement when I said that that was not my handwriting; I am convinced now that it is my handwriting. That is the way it occurred, the way it happened.
Q Then you consider your recollection of the fact that Thompson when he was present and rendering a judgment signed it himself, better than your own knowledge of your own handwriting?
A No, I didn't so regard it. I simply spoke without advisement when I gave in that testimony; I subsequently became better informed and concluded that that was my handwriting, and not entered by Mr. Thompson under the rule, but was one of those cases in which he authorized me to do it myself, and I did it.
Q Then you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and not from the fact of your judgment on your handwriting at present? A I simply corrected my testimony in reference to my statement in regard to this handwriting, this case.
Q And you wouldn't know then as I understand you whether or not that is your handwriting if it was not refreshed by what you consider to be exterior facts? A I would know it by examining it and thinking over the circumstances, I think I should recognize my own handwriting, but if a question should be propounded instantaneously without any advisement or preconsideration I might make a mistake
Q You did recognize the names of James Jones and Alexander Wolfe as being in your handwriting at that time? A I was very clear and positive, and so stated, that the names of those Commissioners were in my hand-writing, and I was quite certain by reflecting on the rule that they never signed their names with their own hand, but always authorized [illegible] of it. I have there is no question in my mind in regard to my handwriting in those signatures.
Q And then the name of [illegible], as compared with your admitted handwriting, you had to wait and learn the facts afterwards to determine whether that was your signature or not? A No, I don't think that if I had considered the circumstances, I knew what there was a resemblance, that I was of the opinion that that might have been Mr. Thompson's signature but like this: I knew that he had been in the habit of at least sometimes signing his own name, and I was unable to [illegible] and I do not think I am much deceived that [illegible] resemblance to my own, [illegible] I have had [illegible] or not on that [illegible]

Q You were asked a question at that time in your testimony at the first trial as to whether all of the jurors that were impanelling and not yours, didn't he? A He, as I remember, said that merely according to my recollection, not according to what I was not entitled to do, as I have said, I would read that I was.

Q And he stated, did you not, that he always did, the original minutes when he presented it to not recollect that I stated, that I used the word "always", as that is, but as far as I was concerned when the question was asked me that we did, but what I meant to reflect and have stated was that I understood that I was, that occasionally I did not do so.

Q Then you never said that to your testimony here on this, like a year and a half ago was it, will you read what you did say before yesterday, you don't remember? A I don't know that I have testified since that time until yesterday of any kind.

Q Do the only recollection that you have got are the only and to your recollection there was present when this judgment and sentence was rendered was the fact that you had signed it, in your handwriting, is it? A Is a fact.

Q You can answer that yes or not. A That being the handwriting aids my recollection but I recollect now that the court reporter were all present at the time that I signed it. I didn't their names out of court at all.

Q Was it in the forenoon now or in the afternoon? A I don't recollect whether it was in the forenoon or afternoon.

Q In recollecting that they were all present when the record was signed, do you mean to say that they were all present when the judgment was rendered? A Yes, that is, you mean when the question of motion or rejection was voted upon?

A Yes. A They were present.

Q Did you write up the record at the time that they rendered the judgment, or make a memorandum of it, and then write up the judgment some days afterwards? A The record was not written up immediately upon the decision of any case, but I wrote up the record after adjournment, generally in the evening, and presented it next day or when the next session was had, for signature, that was the practice.

Q But in this Dawson case you wrote it up the very day that it was rendered didn't you? A I didn't recollect as to that.

Q And gave them a transcript the very day it was rendered?

A I don't recollect as to that.

Q And inserted the giving of the transcript on the bottom of the judgment the day it was rendered? A I should say it was given at the date of the transcript.

Q That was a very unusual thing for you to do in entering up judgments? A To do that?

Q To notice the notation that you had given a transcript the same day the judgment was rendered? A No, I don't know that there is anything unusual about that.

Q Any other cases in that record or more than one in any event that you have ever done that? A I don't recollect, but as I don't recollect of giving anybody else a transcript.

Q That is what I am getting at: you gave them a transcript and wrote up your judgment and everything right away? A Pretty shortly after the adjournment, evenings it was the next day or the evening, not a week that day, I don't recollect.

IT NOW BEING THE HOUR OF NOON, I.E., THE COMMISSION ADJOURNS UNTIL HALF PAST ONE P. M.

AFTERNOON, TIME: 1:40, P. M. PARTIES, Same as in forenoon; D. F. G. DUNCAN again on the stand.
BY MR. HUTCHINSON:

Q Do you remember what witnesses ever became the Court? A I don't recollect now distinctly except Dr. Baker, I was a day mainly because of the length of his testimony at the time it took to hear it.
Q The doctor was about the only disinterested witness there was? A He is the only one now that I can call to mind.
Q There was probably another old darkey that testified was not there? A I have no recollection to that effect.
Q The case was just decided really on Doctor Baker's testimony, he is about the only man that knew anything about the case? A I am not certain that Dr. Baker was the only witness that might have been others that has now escaped my recollection.
Q Doctor Baker's testimony was taken down in writing? A Yes.
Q There was not anybody else taken down in writing was there? A All the testimony that was accepted in the case was taken down in writing.
Q Did you ever see anybody's else testimony in writing except Dr. Baker in that case? A That is not as I recollect, I can't recollect any other but Dr. Baker's.
Q You know whether that was taken intermediately before the trial or at the trial, or how was it? A It was taken in the presence of the three Commissioners during the session of the Court.
Q You mean the day that the case was decided or how? A I do not recollect whether the case was on trial more than one day, but my impression is that it was.
Q Do you know whether it was the same term of the Court or not? A I think it was the same term of the Court.
Q How many terms a year did that Court have, when now how it they last? A I don't recollect of but serving but one term.
Q Don't recollect the serving but one term? A Myself, it seems to me so.
Q You didn't go in until January of 1883 did you; your first record is a record of about the 17th of January 1883, as shown in the book, isn't it? A I don't recollect in that regard.
Q How would they take testimony in the case, then continue it, or how would they generally do about that? A I think they decided on the case at the term in which they took testimony.
Q Can you say whether or not this testimony was taken in this case at the time it was decided or at the same term it was decided, or within a week or two of the time it was decided? A My best recollection is that it was taken at the term in which it was decided; case was taken up, testimony heard that the decision was made at the conclusion of the testimony.
Q Well now, I see on October 4th, 1883, on your bankwriting, the following entry reads: "It is agreed by the parties that this shall finally be disposed of at the next January Term," That would be January, 1884. "If the evidence is not then ready, if not, this case shall be continued to the session for term, 1884; if this agreement and the Court then continues the case till the next January term, 1885." But I think you had

January and a letter boy back [illegible] reasons of the January, 1933 term. [illegible] taken during the January, 1933, term of the Circuit was rendered? A I find it impossible for me to recollect those facts. But the records there although I can now point that out, I cannot make the correct statement of the facts but I can tell where they are.

Q Well then, a record here that will show was entered on the 16th day of January, 1933, I am correct in that it should be taken from the 4th day of October, 1932? Your record there that you were making down from January 16th, 1933 until October 4th, 1932, you'd say that was correct? A I should say it was correct if it is as shown in the book. It is supposed to be a correct entry of the facts.

Q I will let you see it back the minutes. I don't want to be [illegible] that is all. (Papers handed to witness.) A I can't recall those facts to connect to the present.

Q The next term is to-wit: the January term in court? A I took it down.

Q You took down the testimony of Mr. Arthur? A Yes.

Q He was cross examined by counsel for the [illegible]? A As to that I don't recollect. He was present, he was always present I think likely he was cross examined.

Q And that testimony was taken at the time the trial and judgment was rendered in January, 1933? A I think it was, my impression is to that effect.

Q Now the court seems to have had an session as to this case from January 16, 1933 up to October 4th, 1932, according to the records? A (No response.)

Q You don't recall taking down anybody's else testimony in this case? A No sir, I don't.

Q And the probability is that he was the only witness examined isn't that? A It might have been so. My recollection is that he was regarded as the main witness of the case.

Q He was quite an old man, about? At that time? A Yes, he was quite old.

BY MR. [illegible]:

Q The testimony of Mr. Arthur Taylor, for this record, appears to have been had on January 16th, 1933? Is that correct, as far as you may know, or are you able to state? A It is to the best of my recollection, yes; I don't think that the testimony that was given was modified upon, because his testimony was given orally before the jury, and I wrote it down, given [illegible] and it. (Attorney hands said papers to witness.)

A Well, all I know about this is as I stated before, I can't recall these facts, but without the record say why I say that the record was [illegible] correct, according to the fact. (Witness is by copy of the testimony referred to to refresh his memory.) I don't see in reading this record anything in my own knowledge, but I have seen the subject matter in that testimony that it is in accord with [illegible] as I stated. It exactly word for word I am not able to say, but that is the tenor of the testimony.

BY MR. [illegible]:

Q In brief, the testimony you understand to set forth all the material facts that you could in the [illegible]? A Yes, very nearly word for word, as I recall it, we did [illegible] a little variation made necessary by the length of the witness' visit out.

BY MR. McKENNON: Applicants object to all of the witness' testimony relating to the method of taking the testimony of witnesses at the trial, the character and effect of that testimony, and the number of witnesses, except as far as the same may be used for the purpose of testing the memory of the witness, because the same is incompetent, irrelevant and immaterial.

B. F. PORTNER, being first duly sworn, and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A B. F. Portner.
Q What is your age? A 54.
Q You are a physician are you not? A I am.
Q Where do you reside? A Vinita, Indian Territory.
Q Do you hold any official position in your position? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the Legislative Committees of the Indian Territory and of the American Medical Association,-those are some, and the most important positions I hold at this time.
Q Are you a Cherokee citizen? A I am.
Q By blood or intermarriage? A Intermarriage.
Q Your wife is a citizen? A Yes, sir.
Q Do you know H. F. C. Duncan? A I do.
Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.
Q Do you know his general reputation in the community where he resides for honesty and uprightness of character? A I do, I think.
Q Is that good or bad? A It is good.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A About six or eight years, don't know exactly how long; known of him for ten years and personally I have known him about any six or eight years.
Q Do you know his general reputation for truth and veracity? A I do.
Q Is that good or bad? A It is bad.

BY MR. HASTINGS:

Q Mr. Duncan belongs to the same church you belong to? A Yes, sir.
Q And has for a number of years? A Well now I say I think he does; I have always so understood.
Q Don't keep up with all your members? A No, but he has attended church there and my impression has been that he is a member of the church.
Q You didn't have any business before the Citizenship Court of which he was clerk, did you? A No, sir, not that I know of.
Q You were not at Tahlequah while he was clerk of a Court from 1892 to '97 A I don't believe I was.
Q Never had any business before that Court? A Had no business before them, not while he was Clerk to my knowledge.

BY MR. McKENNON:

Q You spoke of his membership in the church: he is in good standing as a member of the church is he? A Yes, sir.
Q I will ask you if Campbell Taylor's reputation isn't notoriously bad? A Yes, I have so understood it.

BY MR. HASTINGS:

Q I will ask you if it was notoriously bad in 1893, when these people employed him to represent them before the Court? A That was before my knowledge of him.

Q But so far as you know his bad reputation dates back no far as you know him? A So far as I know him.

G. W. MILLER, being duly sworn and being examined, testified as follows:
DX BY MR. McKENNON:
Q What is your name? A G. W. Miller.
Q What is your age, Mr Miller? A 61.
Q Where do you reside? A Vinita.
Q How long have you lived there? A Well I have lived there altogether about 15 years I guess, or 14.
Q Are you a citizen of the Cherokee Nation? A No, sir.
Q What is your business? A Bond clerk for Interpreter agent.
Q Do you know T. M. C. Duncan? A Yes, sir.
Q How long have you known him? A I have known him twenty years.
Q Do you know his general reputation for honesty and uprightness of character where he lives? A Why yes sir.
Q Is that good or bad? A It is good, so far as I know.
Q Do you know Caldwell Taylor? A Yes, sir.
Q How long have you known him? A Well I have known him 15 or 20 years, I guess.
Q Do you know his general reputation for truth & honesty? A Well yes.
Q Is that good or bad? A Well, it is bad, I think.

ATTORNEYS FOR CHEROKEE NATION waive cross examination.

T. B. CURTIS, being first duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A T. B. Curtis.
Q How old are you, Mr. Curtis? A 56.
Q Where do you reside? A Afton, Indian Territory.
Q How long have you lived in the Indian Territory? A 20 years.
Q What is your business? A Lumber business.
Q Do you know T. M. C. Duncan? A I do.
Q How long have you known him? A About 20 years.
Q You know his general reputation for honesty & uprightness of character in the community where he lives? A I do.
Q Is that good or bad? A As good as any man's.
Q Do you know Caldwell Taylor? A I do.
Q How long have you known him? A Some 20 years, I suppose.
Q Do you know his general reputation for truth and integrity and honesty? A Yes sir.
Q Is that good or bad? A Bad.
Q Is it notoriously bad? A Yes
Q Did you ever [illegible] Taylor, of Berryville, Arkansas? A Yes sir, I [illegible] and '60.
Q Where? A Over at Berryville; I run a saw mill in that country at Berryville.
Q Did you know his general reputation so far as honesty and uprightness of character and truthfulness? A Yes sir.
Q Is that good or bad? A Good sir. Good as any man's is in a good civilized community.
Q Did you know his well enough to know his habits of life? A Yes sir.
Q Was he in the habit of using liquor, drinking liquor? A Not that I know, of sir, I never saw him take a drink in my life.

Q Was his character such as to preclude any such charge against him? A It was, yes sir.

BY MR. HUTCHINGS:

Q How long did you know Dr. Baker? A Two years.

Q That goes to do there? A He was an old gentleman then, he lived right in the edge of Harrisville, Dr. Baker.

Q How old do you think he was? A I think he must have been 65 or 70 years old at all events.

Q That was in the early '60s? A No sir, it was in the fall '69, the two years that I lived there.

Q He was entirely [illegible]? A Yes, sir.

Q [illegible]

Q [illegible] A [illegible] I was so much ready to [illegible] gentleman.

Q [illegible] A No sir.

Q And the character was never called in question one way or the other, was it? A No sir, no.

Q Colonel, during that [illegible] ever since you ever knew him? A Yes sir, I never knew much good of him.

Q [illegible] A [illegible] he got Campbell to work it, because he was notoriously a rascal; that's it, ain't it? A Well a great many of them got him.

Q It was a notorious thing that they had a bad case they would get him, it would sort of give a case a bad odor to have Campbell around it? A Yes, that would be it.

Q You never knew anything about Dr. Duncan's connection with Citizen Phillips? A No sir, never did.

Q You never heard about the changing some of the records of Citizen's deed? A No sir, never did.

Q You have heard lots of talk about this business case? A Yes sir.

Q Rumor had it all around that somebody was doing something wrong? A Yes sir.

Q You never accused him of it, you think? A I never heard him accused of it, no sir.

Q That rumor got out from the first day they were writing right up to the present? A Well I don't know not from the first day, I have heard it for a good while though.

Q But you never knew who had fixed it out? A No sir.

Q They have been a pretty strong family up there in that country haven't they, pretty large family? A Yes sir.

Q Can't a good many votes up there? A Yes sir.

Q Did you ever know of the Doctor's testifying any in court, Dr. Baker? A No sir, I never did.

Q What would you think of a man who would testify that a lady died that was single in 1825 when the youngest of her seven children was born in 1823; what would you think, would you think that was a statement to be made by a man who was truthful? A -

MR. McKENNON: I will make object to the question because it is wholly incompetent, not based upon any proof or admitted facts in the case, and it is wholly immaterial and incompetent.

Q You think that was a statement that would be made by a truthful man? (Not answered.)

Q You knew him in '82? A Yes sir.

Q He was quite an old, decrepit man? A Yes sir, quite old, '81 and '82.

Q It would [illegible] be quite liable to be in his memory?
A I don't know, he was a big old man when I knew him.
Q Do you [illegible] what relation [illegible] was to the [illegible] Well he did [illegible] statement doing any business particular that I know.
Q He was a pretty old 14 years from that time? A Yes, it would be [illegible]

By Mr. [illegible] Just calm down and being examined.

[illegible]

Q That is [illegible] Yes.
Q [illegible] 44.
Q [illegible] conducting a newspaper.
Q [illegible]
Q And [illegible] Yes sir.
Q You [illegible]
Q And [illegible] Yes sir.
Q [illegible] intermarriage.
Q Do you know [illegible] A Yes.
Q How long have you known [illegible] 10 years.
Q Do you know his general reputation in the community where he lives for truth and [illegible] character? A Yes sir.
Q Is that good or bad? A Good.
Q Do you know Campbell [illegible] A Yes sir.
Q How long have you known him? A Ten years or longer.
Q Do you know his general reputation for truth and honesty in the community? A His general reputation, yes sir.
Q Is it good or bad? A Well it is not good.
Q Is it bad? A Well I suppose it just be bad then.

By Mr. Hutchings:

Q Now [illegible] Campbell's reputation be a bad, Mr. Harris, quite a good while, hasn't it? A Why I think so, yes sir.
Q And it [illegible] began mostly with this citizenship business?
A Yes, so far as I know it did, yes sir.
Q Campbell got so many bad affidavits comes and through the mails, and they finally and hit up about it, had a good deal of stir about it? A Yes sir.
Q And some of that stir was sort of occasioned by his helping the Downers in ward, it? A I don't know, I don't know whether he helped the Downers.
Q Was not that one of the principal cases that brought him into notoriety? A I don't know whether he had that case or not. I know he had a great many cases.
Q That was the principal thing that you stood the trial Campbell out, was affidavits cases here? A I think that is what got him into the most trouble.
Q I may be [illegible] like nobody had talked much about Campbell one way or the other, and it became pretty general that Campbell was handling bogus citizenship cases, and he got a bad reputation from that? A Yes sir, I think that was the impression generally.
Q Now Mr. Pengle's conception with the lawyer case sort of been [illegible] people never talked much about it? A I never heard anything about it, as I know of.
Q You never heard that there had been anything said about the Brown case, that was a notorious thing? A It is [illegible] a notorious case, yes sir.
Q Well was not Mr. Brown's reputation for straightness was been somewhat given by himself, by confession in court? A How is that?

Q His reputation for truthfulness is somewhat given by himself, as to all of us, in regard that they refer themself. Haven't not
A I don't know anything [illegible] to answer that.
Q [illegible] very frequently?
A No.
Q [illegible] about that sort of thing? A About this.
Q [illegible] A I don't [illegible] about
Q [illegible] A [illegible] course along in '21 '2 and
[illegible] was going on around the
[illegible] around A Yes sir. don't
[illegible] A I was a boy [illegible]
[illegible] A Yes, I live
[illegible] A No sir,
[illegible]

[illegible] only recently been there
[illegible]
Q [illegible] A Yes sir.
Q [illegible] A Yes sir.
Q [illegible] A Yes sir.
Q [illegible] A I have known him Mr. Duncan 81 years.
Q [illegible]
Q [illegible] A Well, no more or less than.
Q He [illegible] A Yes sir.
[illegible]
Q Mr. Duncan [illegible] your Church? A Yes sir.
Q That is the [illegible] you had of coming in contact with him?
A Yes sir, he was a member of my official board.
Q His [illegible] his citizenship cases that were decided by the [illegible] in the clerk was never brought up in your presence [illegible]? A No sir.
Q Of [illegible]? A No sir, I know nothing about his [illegible] with it.
Q [illegible] A Yes sir, I [illegible] of the Methodist Church in '21 at Tahlequah.
Q [illegible] A No sir, I know nothing about the [illegible] I never had [illegible] was in session, and I [illegible] [illegible] of the [illegible], but know nothing about [illegible] that were decided at all.
Q Never heard anybody discuss the cases that were decided? A No sir.

THOMAS E. DUNDLER, being first duly sworn, was duly examined, testified as follows:

BY MR. HOWARD:

Q What is your name? A Thomas E. Dundler.

Q What is your age, Mr. Dundler? A I am 50.

Q What is your occupation? A County Clerk of the United States Court in Trenton.

Q How long have you been in the Government service? A Ninety life.

Q You were there in 1920? A Yes sir.

Q Now, you were there first? A Let me see. I have known Mr. about nine or ten years.

Q You have had occasion to observe the activity and promptness of Mr. in connection with matters coming before him? A Yes sir.

Q Is it part of his duty to [illegible] A Yes.

Q Do you know Campbell's reputation? A Yes sir.

Q How long have you known him? A Almost 15 years.

Q Do you [illegible] A Yes sir.

Q Is it good or bad? A Bad as far as I know.

BY MR. HOWARD:

Q Now, Mr. Dundler, [illegible] A Yes sir, I don't know.

Q You never heard his moral digest? A Well I never there in connection, I never of his character.

Q He had a bad reputation, didn't he? A Yes sir.

Q And notwithstanding that fact? A First I remember I ever heard of him I heard of him as a good, bad of all, when I was a kid.

Q He was always known around the Nation and was mentioned all [illegible] and a bad reputation? A Yes sir, ever so far back as '20 or '22. That is as far back as I can remember, I think I heard of him as far as '20, I think that's about the time.

Q And during that period of time, '20 and '21 when we began to have [illegible] A Yes sir.

Q You think his reputation as a morality and veracity for those purposes? A Yes sir, I heard of him being in the Hudson County Jail at that time.

Q Citizens of the Nation called a good deal about Campbell's being in there, but citizens cannot A Yes sir.

And I also heard he had a bad reputation for paying his debts, also, during that time.

Q You don't know whether he had the money, he might not have had the money to pay his debts? A No sir.

Q He could have left out and citizens cannot A Yes sir, I am sure he could.

Q You never heard Mr. Hogan's name mentioned before in connection with the Bureau also, citizens cannot A No sir, I don't think I have, I may have, but I don't remember hearing it.

Q Except in connection with somebody who plans anything wrong with labor, citizens cannot A I never have any knowledge in connection with the Bureau [illegible]

Q What has been done, if anything, ever since they were existing? A Yes sir, I have heard around over the country that [illegible]

Q That is a pretty large writing capacity of [illegible] A I don't know about it that, I don't think it was ever investigated, I never heard of it.

for me to endeavor to find out who the [illegible]

[illegible] live in [illegible] I in fact live out on Buck Creek
[illegible] settlement of Virginia.
[illegible] Tarlequah was a mile & about 65 or 70 miles, I

[illegible] stand before the Arkansas courts any [illegible]
[illegible] me.
[illegible] that a man as old as he would [illegible] of the bar
[illegible] to swear a lie on me, I would at once [illegible]
[illegible] anyone in all of the territory
[illegible] a man by any act in my, doubt the
[illegible] because the man is [illegible]
[illegible]

[illegible] Q And for [illegible] being [illegible]
[illegible] [illegible]
[illegible] conditions of Colonel Drennan's character, early in
[illegible] [illegible] before the action Baker,
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

TESTIMONY ON BEHALF OF CHEROKEE NATION.

DAVID MEREDITH, being first duly sworn, and being examined, testified as follows:
BY MR. HUTCHINGS:
Q State your name? A David Meredith.
Q Where do you reside? A Vinita.
Q How old are you? A 60 years old.
Q Did you ever know Jesse Dawson? A Yes sir.
Q How long were you known him? A I knew him probably 8 years.
Q Did you ever have any talk with him about his citizenship case.
A Very little.
Q You were at one time an applicant before the Dawes Commission for citizenship were you not? A Yes sir.
Q Well what did Mr. Dawson tell you with reference to his citizenship, as to the cost of it's getting it, if anything? A Well he told me it cost him eleven or twelve hundred dollars to get his case through.
Q Where did that conversation take place? A At Afton.
Q At what time? A It was in '98, early in '99.
BY MR. McKENNON:
Q Where were you when he told you that? A I was working, at a house in Afton, building the house.
Q Whose house? A S. S. Haines.
Q Who else was present? A Haines was present.
Q Where is he? A At Afton.
Q What age was Mr. Dawson at that time? A I don't know, he was very old, probably 75 years old.
Q Was he not a very feeble man? A Yes sir.
Q Hardly able to get around? A No sir.
Q Was he not then regarded as feeble minded old man? A I don't know whether he was regarded or not.
Q You don't know what he had to do with the case, in fact, himself, do you? A No; I judged it was himself and family that cost that much to get through; attorney's fees, etc. That is the way I took it anyway.
Q You were an applicant yourself were you not? A Yes sir.
Q When? A At that time.
Q Before the Cherokee Authorities? A Yes sir.
Q They rejected you? A Yes sir.
Q You be a applicant then before the Dawes Commission are you? A Yes sir, been rejected ever since.
Q Are you still an applicant? A Yes sir.
Q Still trying to get in? A Yes sir.
Q Claiming by blood? A Yes sir.
Q How long have you been living in the Cherokee Nation? A 15 years.
Q Where did you come from? A Indiana.
Q Claiming to be a Cherokee citizen? A Yes sir.
Q Indian? A Yes sir.
Q Jesse A Dawson is dead is he? A Yes sir.
Q How long he had been dead? A I think he died probably two in two years after that.

TESTIMONY TAKEN ON BEHALF OF THE APPLICANTS.

F. M. DAWSON, being recalled and further examined, testified as follows:
BY MR. McKENNON:
F. M. Dawson? A Yes sir.

Q Mr. Dawson, what number of your family name is the Cherokee Nation to file suit upon the roll of your father, Isaac Dawson, as a member of his family, as Cherokee citizens?
A My mother, Mrs. Harriet Dawson.
Q And his number A Eleven hundred and [illegible]
Q When you filed A No sir, I was not present, or not, I don't remember, I think I was present.
Q Were you present also at that time? A My brother was, yes, but I don't remember whether I was present or not when he made it out and filed it. That is my understanding.
Q That is, the application was filed on the Cherokee Nation?
A Yes sir.
Q Prior that [illegible] A My understanding, he was a clerk of the [illegible] Q He was clerk of the [illegible] A Yes sir, of the [illegible]
Q That was [illegible] A I [illegible], if you remember? A I went back home and [illegible] at that time, that is [illegible]
Q Where did you live when [illegible] A I lived at Tahlequah, Ark ansas.
Q When did you first come to the Cherokee Nation? A I believe I came back the [illegible] before [illegible]
Q You were [illegible] A I don't think he was, I don't remember.
Q Well now in all [illegible] of the Court or session of the Commission at any time after you [illegible] application until [illegible] A No sir, I never [illegible] until that time [illegible]
Q You concluded [illegible] after I got did you not? A Yes sir.
Q The case was [illegible] January 1902? A '02, yes sir, the 11th day [illegible]
Q Were you [illegible] A Yes sir.
Q Was there any [illegible] other than the one of record here? A I never heard of it if there was.
Q You have nothing [illegible] can be recorded in the record book of the Commission now I [illegible] Dawson to Tahlequah [illegible] A Yes sir, as far as I know, I [illegible] in this case.
Q You don't know of any decision against you in the other A No sir.
Q Was your attorney employed at the beginning? A I employed H. Hammond.
Q Was he a Cherokee citizen? A Yes sir, I think so.
Q Where did he live? A At Tahlequah, as I understanding.
Q Was he present at any time before the Commission? A I never saw him, he never [illegible] before the Commission.
Q Did you pay him any money? A Yes sir.
Q How much? A [illegible]
Q Did he ever promise any dividend? A If he ever did I never knew it.
Q Until when who did you employ? A He [illegible] employed Joel Bryan.
Q Was he a Cherokee citizen?
A That is my understanding.
Q Was he not a [illegible] citizen? A Yes sir.
Q What service did he render? A Well sir, I can't [illegible] whether he rendered any or not, only as far as I was able as to at Tahlequah, and he was before the Commission; whether he rendered any services

or not I don't know as my generally always at Partridge & Olin's
during the noon hour.
Q Well what did he do about it? A I don't know, I don't pay
much to what anything about it. That is his tryant, he can
attend case.
Q What have you been told the employment of an attorney? A Ray
I met a lawyer [illegible] that he was going to Farmington
City at [illegible] and Campbell Taylor
would [illegible].
Q Did you ever talk to Mr. Taylor about the employment of Campbell Taylor
the attorney, or have any conversation with him about it? A Yes sir, in his
office.
Q [illegible] I don't want I get the letter.
Q Well then you went to [illegible] and the time you came I came
down on the car to Farmington here and I came over from here to Fort
Gibson and I think [illegible] Uncle Houston Benge and stayed all
night with [illegible] and I got him to go over
at Fort to my home [illegible] and I went on to work and the next
day Uncle Houston [illegible] and the next morning after he came
over the [illegible].
Q Did he endorse the check? A Yes sir, he told me so.
Q You got it? A Yes sir.
Q Were you present? A I was present until they went to take the
vote on the case and then we was drove out of their room and
they had a secret session, notin on the case.
Q Was Hudson to go present with you? A Yes sir.
Q Were you in the court when he submitted it to them? A Yes sir,
when he made his argument.
Q He made an argument before the Commission? A Yes sir.
Q Was the decision rendered on that day? A Yes sir.
Q How long after he had his argument and submitted the case? A
It was not but a little bit; when we were drove out of the house the
first time before they went into secret session they called us to
get in the house to the court and I was in the house; after the
decision was rendered then I was to get my cigars, and everybody
come in to congratulate me and I got the cigars and I gave so.
Q And you took the cigars there and all? A Yes sir, everybody,
the governor and all that was in the house, all had a cigar also.
Q Did they then announce their finding in the case? A Yes sir,
they told me that I was [illegible] by order of the
Commission.
Q What did you do about it then? A Why the Clerk wrote out my
certificate.
Q What amount? A That same day.
Q What arrangements did you have with Mr. Benge about his fee, and
how was the amount of his fee? A There was no arrangement made
until we got up there and he submitted our case; then he wanted me
to pay him, he charged me fifty dollars, that was his fee.
Q What was the agreement about the matter, the manner in which
that fee should be paid? A My brother in Texas was to pay it.
Q Were you to write or was he to write? A He was to write for it.
Q Did your brother in Texas ever pay him fee of fifty dollars?
A Yes sir.
Q How was all that was to be paid? A All he was to have; all he
charge me.
Q You mean his whole bill when he gave his deposition at Fort
Gibson the other day did you not? A Yes sir.

Q [illegible] A [illegible]

Q Did you say to Joel Brown, "I'll get it out, don't you fret"? A Joel [illegible] Brown [illegible] Joel Brown [illegible] Dr. Baker. Dr. Baker paid Joel Brown [illegible] Campbell Taylor, and Joel Brown paid me twenty dollars and in all I received back from him.

Q How did you get that $5 dollars out of Joel Brown? A I took after him and talked him in to it, and he, he, he, he, he rendered no objection to it at all and the money was to go to Joel Brown, and I finally received of him twenty or twenty-five dollars, that is all I have ever got from.

Q That went back to Dr. Brown? A Yes sir.

Q Was this money paid in cash, this one hundred dollars, or was it were there at the time the [illegible] or was it sent to his [illegible]? A I think I [illegible] I don't know about it.

Q You think it was paid to us? A Yes sir, that's my recollection now.

Q Did you send him some dollars after you got home, subsequent to the [illegible], I don't just [illegible] I don't know, direct [illegible] any other money to D. W. C. Brown? A No sir.

Q Did you send him a second one hundred dollars in that direction? A No sir.

Q Mr. Brown, are you [illegible] it not necessarily in all to obtain this dismissal in the Circuit Court of Marion under this judgment? A Pretty much, if I do.

Q Well about what was? A About five hundred dollars, maybe near 600 dollars. That is what I considered, I was bent out of some of my money, and I am bent out of my expenses.

Q Now take a statement of what this money was paid for and how, so far as you can remember, itemize it now. Tell him first thirty dollars borrowed out: the next fifty dollars you got; that was the attorneys fees; I speak of the attorneys fees now: the next money was the hundred that Campbell Taylor got, the last attorney fees you brought is one hundred dollars.

Q Was that all the attorney's fees? A I think it was, no, wait, I paid Ross 15 dollars for him in Baker's [illegible].

Q Which Ross was that? A The old Chief, Bill Ross I think, a big man, William P. Ross.

Q So then, the Chief William P. Ross for bringing the deposition of Dr. Baker charge you fifteen dollars? A Yes sir.

Q Do you remember that Mr. Ross asked me and Attorney Ray examined him? A Yes sir.

He examined him before the Court, I did his direct exam.

Q What other attorneys were there present? A None of them was present.

Q Tell me, sir, A We took the examination of Dr. Baker and he was a Doctor, he told me I got a bar he charged 5 dollars a day and I [illegible] and his expenses down there; we got [illegible] a hotel [illegible], Arkansas, Mississippi, and it [illegible] $5 a day and I think, I think, it was about 75 dollars what trip to Memphis near it. Maybe a little over that.

Q Did you pay him $5 per day? A I paid him five dollars a day for his time and then his expenses.

Q Well? A Well I made several trips out here a different time, to Tahlequah before the Commission and back, three or four times as well as I remember now, some $20 or $25 dollars each trip, as I remember about it.

Q Do you know how many trips aside from the one in which you brought Dr. Baker? A No, I think there was probably three trips I think it was maybe more, and then I made one trip to Claremore to see A. H. Dawson.

Q What did that trip cost you? A I don't remember what it cost; I went in a wagon that time.

Q You went through and employed Benge, went by railroad; what did that trip cost you? A I don't remember what it was, whether it was 25 dollars or 35 dollars, and one of us, I don't remember which it was; Joe Dawson, my brother gave me the money, it was either 25 or 35 dollars.

Q Now then do there any other expense that you know of that was paid by you or your family, any members of your family, didn't think that you have mentioned? A I don't remember any other now; I can't call to my memory right now.

Q That was the condition of the members of your family generally now, financially, at that time? A Well we were comin' real poor people; I don't know, we didn't have much money, scarcely any.

Q Was there any one of them that was better off than the others, and if so, which ones? A I would mean Elbert Dawson was better off than the others, Bud Dawson.

Q Do you know how much Buck Benge paid of these expenses? A I don't think he paid, he paid the Benge debt and the Bryant debt, I think it was.

Q That is one hundred and fifty dollars? A Yes sir, that he came up on one trip and taken more evidence with Joel Bryant when Joel Bryant was Clerk of the Court before this Tehee Court, I don't know what that cost sir.

Q Came up, he went and got testimony? A Yes, came up and went back to Texas, filed his claim and took on a testimony and went back to Texas and I didn't see him.

Q Did that testimony include Dr. Baker's testimony? A No sir.

Q You know how many witnesses were examined then? A I only know what I was told me.

Q How many? A Four witnesses.

Q You know whether they were residence of the Cherokee Nation or not? A He told me they was.

Q Were you present on that trip in which he one of them took that testimony? A No, I met him there and then I went back home and left him at Tahlequah.

Q He had taken the testimony before you left him or after you? A He taken it afterwards that was my understanding.

Q Did Buck Benge only the one hundred fifty dollars that you now remember? A I think it was.

Q And the expense of taking these witness up there? A Yes sir.

Q Was Alex Dawson money now of the members of your family? A My brother, my father lived down in Gerty ville, he and my brothers-in-law, Bud Dawson, we all chipped in together a few dollars from each family.

Q You heard the statement of C. C. Brought that in June 1902 you took him that it had cost you 700 dollars, did you make any statement to him? A I never did.

Q And that you paid one witness 300 dollars? A I never made any such statement.

Q Did you [illegible] any witness any money? A No sir, I paid Dr. [illegible] for his time he said his time was worth 5 dollars a day, [illegible] and I paid it.
Q Did you or any other witness any money on that? A No sir, [illegible] I paid it all myself.
Q Well the Robert Dawson case? A Yes sir.
Q He says that you told him this in your house there on your place, did you have any house there in June 1877? A I was not living on my farm at that time.
Q Did you have any farm? A Didn't have any.
Q When did you build a house there? A I built a house on the farm I live in now by Dr. Wright, I moved on the farm the 4th of July, 1880, and I am living in it yet.
Q What did you do? A I went to the timber and cut poles and built him out and made a log cabin on the place by a spring near Dr. Wright.
Q About what time did you finish that house? A I think in September.
Q How long after you finished that house until you brought your family out? A I finished it in 1880 and it covered and the floor in it and I went back to Arkansas after my wife.
Q What family did you have then? A I had my wife and she had one child; but my oldest children, by my first wife were with me in the Territory, namely, with four little boys and one girl were with me, and one girl back in Arkansas.
Q Are you and C. D. Arnold on good terms? A No sir.
Q What has been the character of the trouble between you? A Trouble over our claims first started it.
Q When did it begin? A As soon as I got back from Arkansas he so worked himself crowding me out to be a big farmer away from me, and we have been in a racket ever since.
Q Then you would not that you were on friendly terms, is it correct or not? A No sir, it ain't correct.
Q He and you have never been friendly as neighbors then since you first came back from Arkansas and settled in the Territory? A I don't remember ever being in his house; I never was in his house.
Q Have you had law suits with each other? A Yes sir.
Q How many? A I don't know that we had any particular law suits, but I have had two suits and he has been a witness against me.
Q What was your last trouble with him, when I mean? A Along last fall.
Q That was when your boys had a little racket and he had your boy arrested? A Yes sir.
Q What was the age of those boys? A Eleven years old.
Q He had him arrested down at Vinita? A Yes sir, had him arrested and carried before the Commissioner at Vinita.
Q He was discharged on account of [illegible] age? A Yes sir.
Q Robert Dawson is dead is he? A Yes sir.
Q How long has he been dead? A Three years, little over three years.
Q And James Dawson is dead? A Yes sir.
Q Is your father, Robert Dawson living? A No sir.
Q When did James Dawson die? A I don't remember, been dead several years, I can't remember how long, 8 or 9 years, I couldn't state.
Q When did your father, Robert Dawson die? A I believe it was in 1890 or 1891 either one, I would be positive.
Q Did all those moved to the Cherokee Nation before their death? A No sir, father died in Arkansas.

Q Those that lived here in the Nation they lived here in the Nation but went back on Arkansas and died there? A Well the rest of my folks all lived here, that was James Dawson and Mack Dawson.
Q Robert Dawson, your father, never did move to the Territory, did he? A No.
Q Did you hear the statement of the witness Seavert this morning, that about the time of hearing of the James Dawson case, at a negro church at night James Dawson was drawn there with someone else to be introduced to him, and he loaned him ten dollars, did you hear that statement this morning? A I heard the statement, yes sir, I heard it.
Q He says that Jack James Dawson was 50 or 60 years old. Was there any James Dawson living being in your family at that time of any such age? A No sir.
Q How many James Dawson's were there belonging to your family? A There was only my old James Dawson and my brother James Dawson, the Doctor here.
Q How old was your brother James Dawson then? A He was a tolerable old man, I don't know his age.
Q About what age? A I just have been 50.
Q Between 50 and 70? A Yes sir.
Q That was the age of your brother James? A At that time?
Q Yes sir, in '84? A In '84 I suppose he was about 18, or something like that.
Q Had he anything to do with the James Dawson case? A No sir.
Q Was he present at the time that the James Dawson case was under consideration? A No sir.
Q Was James Dawson, your old James Dawson, present at any time during the consideration of his case? A No sir.
Q He never was present? A No sir, if Uncle Bill Dawson was ever in Tahlequah I never knew it.
Q Who conducted the prosecution of the James Dawson case before the Cherokee Citizenship Commission, who conducted it? A The James Dawson case?
Q Yes sir? A I think James Lynch and Bill Jackson and Campbell Taylor.
Q Were you acting with them? A Yes sir.
Q Who employed Campbell Taylor? A Yes sir.
Q Then there was no James Dawson present during that session of the Commission? A No sir.
Q What was the condition of James Dawson's health at that time?
A It was pretty poorly; was not good.
Q Was he at that time able to get about and attend to business?
A I don't think he was.
Q He was not a very feeble imbecile old man at that time? A Yes sir.
Q Regarded as rather a silly man was he not? A Yes sir.
Q Did he attend to any kind of business of the family at that time?
A No sir, didn't.
Q What was his financial condition? A Pretty bad.
Q Did he have any money? A No sir.
Q Did he have any property? A None hardly at all; horse probably, or a cow or two, something that way.
Q Was that about all the property he had? A Yes sir.
Q How about the other members of his family that were admitted at the time; what was their financial condition? A They were in poor circumstances.
Q Now then after these judgments were rendered that embraced your family removed to the Territory, Cherokee Nation, I will say?
A Robert Dawson and family and James Dawson and family, that is, they and their children.

Q Robert Dawson didn't remove here? A No, I said except Robert Dawson.
Q Did all the members of Robert Dawson family move here? A Yes sir.
Q Except himself? A Yes sir.
Q And all the members of James Dawson family? A No, not all the members, Melvina Lee I don't think ever lived here.
Q She has never moved here? A No sir.
Q Will all the members of your family, your father's family included in that judgment of the Cherokee, rendered January 11th, 1897? A All but one.
Q What was the name of that one? A Edna.
Q A daughter? A Daughter of Robert Dawson.
Q Your sister? A Yes sir.
Q Was she then of age or was she a minor? A I think she was a minor, as well as I can remember.
Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.
Q By a Commission or by the Cherokee Council? A She was first admitted by the Supreme Court, her and two of my neices.
Q What are their names? A Katie Vernon and Verna Fishback.
Q What became of that? A The certificate papers they got was lost, and they went before the Council in 1894 and they was readmitted back by the act of Council.
Q That was in 1894, the Cherokee Council admitted, re-admitted as they called it, the three above named? A Yes sir. Mary and Verna Fishback and Katie Vernon, they have now the same names now except Vernon, it is not, Tob Robinson married the widow, a neice of mine.
Q Now then was there any other consideration of the Dawson case by the Cherokee authorities at any time aside from these two judgments in '87 and '94 admitting the two families of Robert and James Dawson, and the act of Council of '94 admitting these three that you have just named? A Yes sir.
Q When? A Why two of my sons was placed on the roll by the act of Council in 1892 I think it was; left off of the rolls in per capita payment and they was placed on the rolls I think, and Sam Hitchcock member of Council, got their draft or checks for the money.
Q Have you got that copy of the act of Council admitting them? A Yes sir.
Q Where is it? A (Produces papers.)

BY Mr. McKENNON: We offer in evidence an act of the Cherokee National Council making an appropriation of 20,800 dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount set opposite their respective names, provided that the Principal Chief shall draw warrants for such amounts, and further provided "That the names of the persons appearing on the per capita rolls in this act shall be placed (on) the authenticated roll of 1880 by the Principal Chief."
This act was approved December 21, 1891.
Approval signed by Stephen Foreman, Assistant Acting Principal-
In this list appears the names of Willis K. Dawson for payment of $17.70, and of Marion Dawson, for a like sum. Are these two the heirs of two of your sons? A Yes sir.
(The paper above introduced, is filed and made a part of the records in this case.)
Q Was there any other action of the Cherokee authorities relating to members of your family? A Yes sir.

Q. When? A. In 1894.
Q What one that? A Allowing them their Strip money.
Q Have you a copy of that? A I think I have. (Produces papers.)

BY MR. McKENNON: We offer in evidence a duly certified copy of an act of the Cherokee National Council approved November 24, 1894, signed C. J. Harris, Principal Chief. Senate Bill No. 18, appropriating a sufficient amount of money to make payment per capita of what is known as the Strip money to certain persons named therein. Among them are members of the Blagrave family, as follows: Jane, Elbert, Henry, James Ross Lorrie, Pearl, Nora, Myrtle, Winnie and Clifford; this act mentions these persons as Cherokees by blood, and whose names had been left off the pay roll approved May 3, 1894, providing a pay ent to each one of these a sum of $265.70.

Q Were these members of the Robert Dawson family? A Yes sir.
Q Which one of the members of the family? A Jane.
Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.
Q And her children? A Her children, was not admitted, she was admitted.
Q I mean this mentions her children here? A Yes, that mentions her children.

(The paper last above introduced is filed and made a part of the record in this case.)

Q Do you know whether the payment of the Cherokee Strip money was to Cherokee citizens by blood only or not? A Yes sir.
Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A Why the Douthett children, my brother's grand-children. Two grand-children of E. Dawson.
Q What was that? A That, I think it was in '84.
Q Have you got a copy of that act? A No, the record is here.
Q Was that by the Spears Court? A Yes sir, by the Spears Court.

BY MR. McKENNON: We now offers in evidence a judgment of the Cherokee Commission on Citizenship, 1880 and 1884, found on page 190, case No. 181, dated September 9th, 1884, signed by Eli Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Lula Douthett and Dallas Douthett as Cherokees by blood.

Q There now are the Douthetts to which you refer, are they? Yes sir.

BY MR. McKENNON: Attention is called to the fact that the names of the Commissioners are all signed in the same handwriting as the record of the judgment.

The said judgment record above introduced, and found on page 190, No. 181, record of 1880 to 1884, is as follows:

"Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, September 14th, 1883.

E. Dawson, for his grand-children, No. 181.
Lula Douthitt,
Dallas Douthitt,
vs
The Cherokee Nation.

C. H. Taylor, Atty for Claim.

Petition filed Septe ber 14th, 1883.

Case submitted by Claimants Sept 14th, 1883.
Case submitted by Solicitor, Sept. 19th, 1883.
Continued by Petitioner Jan 22 1884 to September Court 1884.
Re-submitted September 2nd 1884, by Aitye Taylor and Benvert

Submitted by Counsel Sept 9 1884.

And now on this 24th day of September A.D. 1884 on this case for final hearing and all the evidence in the case having been carefully read, and considered by the Commission on Citizenship it has been decided by the Commission that the above named Lula Bruner and Bettie Bruner are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

Wm Sperrm, Pres.
John Lee,
Andrew Young,
Commission on Citizenship.

John L. Adair,
Clk Com'n.

Q. Now are there any other actions of the Cherokee authorities of like character relating to the members of your family?
A I don't remember of any others.
Q I will ask you if when the Cherokee authorities were making the roll of 1896, in connection with the request of the Dawes Commission for a roll to be prepared by them for the use of the said Commission, the question of the citizenship of the members of your family was not then raised and an investigation had in regard to it? A Before the Dawes Commission?
Q No, before the Cherokee Commission making the roll of 1896, of which John T. Gunter was a member? A Yes sir, yes. I had forgot it, but since you have named it there was some investigation of that at that time; this is what I understood.
Q That roll shows that the members of your family were duly enrolled by the Commission? A Yes.

Q Have you and the other members of your family since your removal to the Territory in 1887 and immediately following been recognized as Cherokee citizens by blood? A Yes sir.

Q Have you been exercising and enjoying all the rights of Cherokee citizens by blood since that time? A Yes sir.
Q You and all the members of your family are living in the Cherokee Nation? A Yes sir.
Q You have all drawn Cherokee moneys whenever payments were made? A Yes sir.
Q And have you all male members been voting at the Cherokee elections and in the Cherokee elections? A Yes sir, I was one of the judges of the elections in that was held voting on the treaty.
Q What treaty? A The treaty bill that was sent back here for the Cherokees to vote on; I was one of the judges at Afton.
Q I. What year was that? A I believe it was last spring some time, in April.

Q Have any of you held any offices in the Cherokee Nation? A Yes sir.
Q What offices have the members of your family filled? A Deputy Clerk, under Pete Hastings, when he was clerk of Delaware District, I was a candidate once for Council in the Downing party.

Q Can any office of county clerk be held by any one else except a recognized citizen? A Only by a citizen, yes sir.
Q Is that all? A (No reply).
Q Have the children of members of your family attended the Cherokee schools, and been educated in Cherokee schools? A Yes, sir.
Q Have the members of your family been all the time subject to the jurisdiction of the courts of the Cherokee Nation? A Yes sir.
Q Have they been tried for any offences against the law? Yes sir.
Q And have they instituted their civil suits in the courts of the Cherokee Nation? A Yes sir.
Q And had suits instituted against them in such courts? A Yes sir.
Q Some of these cases have gone to the Supreme Court of the Cherokee Nation? A Yes sir.
Q And were passed upon by that tribunal? A Yes sir.
Q Is there anything else? A Nothing now; I am sick this evening; I have got the head-ache so bad I can't hardly see.

BY MR. HUTCHINGS:

Q How old was your father Robert Dawson when he died? A I don't know, I couldn't answer that.
Q He was a very old man? A Yes sir, he was getting tolerably old.
Q Could you tell how much older he was than you? A No I don't know.
Q Mr. Judge Dawson in 1884 must have been a very old man mustn't he? A Well he was old and he was feeble.
Q Well you stated that he had been so silly; was he naturally that way? A He used to live in Texas; I didn't know him until after he came to the Territory.
Q I say he had gotten so old, that was the occasion of that? A I suppose so, the oldest one of these children was Mrs. Betty Peter, that's my understanding.
Q And the oldest boy was John Dawson? A We always called him Jack.
Q Jack Dawson he was the oldest? A Yes sir.
Q Sam was the youngest? A Sam Riley.
Q He was the youngest one of the crowd? A Yes sir.
Q Your father lived four or five years after he and you were admitted to citizenship? A Yes sir, something about that, it was in 1883, I think he died in 1887, I wont be positive; that is as near as I recollect now. I have got a headache so bad that I can't remember anything.
Q He nor none of the older members of the family were ever present at any of these trials of citizenship? A No sir, not a one of them was.
Q Nor a one of them was ever called upon to testify as to the blood of their mother, who she was or anything about it? A I don't think they was.
Q Your claim of kinship was through Captain John Rogers and that your grandmother was the half sister of Big Joe Vann, wasn't it? A I don't know, I couldn't answer the question.
Q You were there when they took the testimony? A I was there when Dr. Butler's testimony was taken, that was about 16 years ago.
Q And nobody kin to the Rogers and Vanns was ever called to testify in the case? A Not as I know of.
Q They were very well known Cherokee families in the country? A I suppose so, I don't know.
Q And yet nobody on any side of the family connected with it was ever called to testify A Not that I know of, I don't know what my brother done, he taken some of the evidence at Tahlequah which I was not there; he first filed his claim.

Q You had spoken to Dr. Baker about the testifying before you brought your case didn't you? A No sir.
Q What have been a short time afterwards? A It was a short time afterwards. I went back after him and it was too late and I fetched him the next time.
Q You had talked to your brother about what you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our fallin.
Q You had told him in a general way you expected to use Dr. Baker that is meant A Yes sir.
Q You went off, gone to Arkansas and left your brother at Tallequah after you told him that fact? A Yes sir.
Q You didn't see your brother any more until after you were admitted? A No sir.
Q You and he however made trips back and forth to Tallequah and here at different times, but you didn't happen to get together? A No. I never got him any more but I don't know what he was there until after we were admitted.
Q But you were there and brought Dr. Baker over? A Yes sir.
Q And took his testimony a year or such a matter before ever you were admitted? A I think we did he I remember, yes sir.
Q Now the way you came to get Campbell Taylor was on the recommendation of Ole Man Bryant? A I didn't get him, didn't use him.
Q The way he came into your case? A The way he claimed to come in.
Q He did more in your case than Bryant did? A Campbell didn't do anything.
Q What did Bryant do? A I think he held my brother take evidence my brother employed him.
Q How did you happen to be sending money by Campbell to Mr. Duncan? A I never sent him any money.
Q Then when he, Mr. Duncan, states that Campbell delivered the money & Campbell said he did, both were wrong? A Oh no, you are listen, Mr. Duncan got 20 or 25 dollars, which he stated, from Campbell Taylor, for me.
Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryant, and he wouldn't do it, and I tried to get the money back from him, and I finally worked the 20 or 25 dollars he gave to Duncan.
Q Then you didn't tell Duncan as he testified that you sent 20 or 25 dollars by Campbell Taylor? A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for me of the money I give him to give to Joel Bryant.
Q The family kept Campbell Taylor employed though as their attorney after that? A In the James Dawson case I think so.
Q E. Dawson, you remember, had him for his grand-children? A That is my understanding.
Q And your uncle James Dawson had him in the case of his children? A Uncle James had nothing to do with it; James Lock and Bill Jackson got him; that was my understanding of who employed him.
Q The record here shows that the case was originally instituted by C. E. Taylor and was finally submitted by him September 2nd, 1904, in the James Dawson case? A I don't deny his being in that case.
Q You say he was employed in the E. Dawson case? A I don't know who was in the Danthett children's case.
Q The record shows that Campbell Taylor instituted the case, and it was finally submitted by him, and Mr. Benvert, who testified a while ago? A That was in the James Dawson case, wasn't it?
Q That was in the E. Dawson grand-children? A Elbert?
Q No, in the Danthett children's case? A Oh yes.

Q He was likewise attorney in the Mary Dawson case was he not before the Muir court, the 4th of October, 1907, in the case of James K. P. Dawson? A I don't know anything about that.
Q And the case involving of Riley Dawson? A I don't know anything about those.
Q They are relations of yours? A Well I couldn't say.
Q James K. P. Dawson proven to be a son of Riley Dawson? A Well if he is he is by connection there. There are so many Dawsons I don't know them all.
Q You know Andrew J. Dawson? A Yes sir.
Q The Dawsons have as a rule claimed their brothers didn't hardly know much did they? A That's it. I don't know them.
Q Well then you don't know who Andrew J. Dawson is? A No sir, I don't know.
Q He swore in his application as well, a cousin of E. Dawson, and your self, who were admitted to citizenship by the Texas Court? A He may be, I don't know nothing about it.
Q He resided I believe, at that time at Nevada, Missouri? A I don't know anything about that people.
Q Old man Buster was an old and paralyzed man at the time he testified wasn't he? A Getting old, he was not paralyzed.
Q Then the statement made that the reason he couldn't write his name and had to make his mark, because he was paralyzed, in the testimony isn't that true? A He didn't have good use of his fingers.
Q Then he was not paralyzed? A No, I brought him over there in a hack from Berryville, Arkansas.
Q Well I say he was a very old man? A Yes, getting old.
Q How didn't you come to this place up there joining Bronaugh's and work on it some time before you brought your family? A No, I brought my family with me, except my wife.
Q And you subsequently built a log house on it? A Yes sir.
Q And went back and got your wife and moved them to the log house? A Yes sir, went to Eureka and got my wife.
Q You never saw your grandfather at all? A Sam Dawson, yes sir, I saw him.
Q You remember do you of being with him much of any at all? A I was in Texas in time of the war, with my uncle Riley Dawson, and he was there.
Q In '60 sometime? A '62, I reckon, or '63. Somewhere along there, it was in time of the war.
Q How old a man was he at that time? A Pretty old man.
Q You never saw your grandmother, she died before she came?
A Yes sir, I never saw her at all.
Q Who first started the citizenship matter, your brother in Texas or you? A Why it was me, and my brother together.
Q I mean who first conceived the idea? A I first commenced talking about it.
Q And went down for him? A I was in Texas with him and then in Arkansas; I went backwards and forwards a time or two after the war.
Q About that time nearly everybody in Arkansas were trying to get some claim of kinship to Cherokees? A No sir, not at that time.
Q They were getting pretty thick in there in 1906? A Well in 05 and '4 and '5 I think.
Q Some were excited over there to get themselves on the rolls?
A Just got to be everybody; but it wasn't at the time we were admitted there was not much stir about the rights here.
Q Well the matter had been admitted before that? A I suppose they had; there was not much excitement over the Watts claim at that time.

BY MR. HASTINGS:

Q You did locate and board with Sam Chanlon when you first came to Tahlequah in 1871? A I think I did.

Q Your brother Mack Dawson stayed there also? A Yes sir.

Q Sam Chanlon lived in the lower end of town, old fashion? A Yes sir, old German, lived in the lower part of town.

Q Did you ever hear the names of any other witnesses which you stated perhaps testified in your case? A I have heard them but I have forgot them.

Q You don't recollect any name now? A I dont remember them. No sir.

Q In the Irene House case and Joanna Barbour case, in which you testified before the Commission, when you were making search for this testimony you couldn't find any other testimony from that of record except the Dr. Boyer testimony, could you? A That's all we could find, no we didn't find the testimony, we got a copy.

Q Well it might have been a copy of the original, the certificate shows that? A I don't know; House got a copy of what claimed to be the affidavit of Boyer and he told me to give it to him; that is all I know about it.

Q Well the certificate there does not bear by certificate does it? A I don't know about that, I am no scholar.

Q Well you didn't get the testimony of any other witness except that of Dr. Boyer; you couldn't find any other over there of record? A I didn't hunt for any; House hunted for them.

Q None of you have ever been able to find any others? A No. Not even find our petition.

Q Samuel P. Dawson applied to what is known as the Adair Court, didn't he? A I don't remember now.

Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.

Q The father of these two parties who testified here this morning? A Well I don't know, they claimed to be, I never met them to know them.

Q He was rejected by the Adair Court, or Hayes Court? A I don't know whether he filed his petition.

Q Did you testify in his case? A I don't remember; I might have dont it.

Q Didn't you testify in the Andrew J. Dawson case before that is known as the Hayes Court? A I don't recollect, if I did I don't remember.

Q Did you testify in the Riley Dawson case? A No sir, not that I remember.

Q Didn't you know of his being rejected by that court? A I don't remember, sir.

Q You know that the Cherokee Council never authenticated the roll of 1896, don't you? A No sir, I don't know it; I didn't know this was done until I went to Tahlequah after some papers and came back and they told me about it.

Q You never found out that C. H. Taylor was a big rascal up until the present time have you? A (No response)

Q The records here show that he has been in the constant employment of your family from that date up to this time? A Why it shows here from the record; I would rather be excused for my part of it.

Q You were the man that had the most to do with it? A I never employed him. I deny that.

Q You are the man that had most to do with the records? A In my case and in my father's case.

Q Didn't you testify for your uncle Jim Dawson? A Yes sir.

Q Wasn't he attorney for him? A Yes sir.

Q Permit me a question by Mr Dawson after you got your citizenship?
A My not but the grandchildren.
Q Mr Bryant's petition was filed in September 1883, wasn't yours?
A Yes sir.
Q C. H. Taylor, attorney or record, filed his petition? A He might have filed it for all I know.
Q Well you hadn't at that time fallen out with C. H. Taylor had you? A Why no, we never did have any trouble, only over this money, he knew I would give it back to me or give it to Bryant.
Q You later discovered that he was with a view to get still after your judgment was rendered? A I know he was not of good character.
Q Are you not now bringing this suit identified for the Cherokee Nation, or meaning to? A Hardly myself.
Q Does he refuse to speak to you? A So old as he does.
Q Do you refuse to speak to him? A Yes sir.
Q Have you been speaking to him for the last two or three months? A I have not spoke to him until I met him there at the hotel the other day.
Q First time you spoke to him since he had the boy arrested? A Yes sir.
Q When did he have the boy arrested? A Along in September or October, September I think.
Q When did Dr. Baker die? A I don't remember.
Q You don't remember how much older your father was than you?
A No, I don't know.
Q What is your age? A I will be 66 in May.
Q Then you were born in '42? A Yes sir, '42 according to the record.
Q Was your father as much as 25 years old when you were born?
A I couldn't say.
Q What was your best judgment? A I supposed he was 20 or 25 years old. My understanding he married young.
Q Can't you give any better idea than 4 or 5 years of your father's age? A I say 25.
Q Your father was born say, 25 from 42 would have made him be born in 1817; now had your father any older brothers or sisters? A I think Jack Dawson was the eldest of the family, no, Betty, the girl, was the oldest and Jack next, and then my father as well as I remember about it.
Q There were two girls older? A No, one of the girls I never saw.
Q Then you think there are only 2 older than your father? A Yes, that's my understanding of the family.
Q Dr. Baker gives his age 73 in '82, which would make him be born in '09, now he states that when he was 15 or 16 years old, which added to 1809, will make 1824, that your grandmother Anna Priett, was a school girl; whereas from your testimony and that of the family history introduced here shows that your grandmother Anna Priett was the mother of seven children, the youngest being born in 1822, how do you reconcile that? A I don't remember about the statement of Dr. Baker; I don't know that he made such statement as that, I don't remember about it.
Q But if he did you don't know how to reconcile it? A (No response.)

Q Did you talk to any of the members of the Court that admitted you? A No sir, I was not acquainted with them.
Q You know whether they were old or young men? A They were old men like; Steve Pahce, I got acquainted with him afterwards, and Tom Thompson, at the Council you know I was there a good deal.

Q That was the fellow that was on the Court? A Yes sir.
Q He was afterwards Assistant Chief of the Cherokee Nation?
A I think so.
Q Steven Tehee, that's the man you had reference to? A Yes sir, I think it was, I just knew the man; I had no acquaintance with him at all.
Q D. W. C. Duncan boarded when you were down there at the National Hotel? A I think he did, as well as I remember now when he were admitted.
Q Don't you know he did? A I think he did, as well as I remember.
Q Were not you over there to his room? A I think I was.
Q You remember when it was that you brought Dr. Baker down there to take a statement before the Court? A It was in January, Ter., was in January Term of 1887 I believe, it was as well as I remember about it.
Q Well you didn't take any more testimony after Dr. Baker testified?
A No sir, I didn't.
Q And your case was not submitted and passed upon for a year?
A I think it was, yes sir, as well as I remember.
Q I would like to ask you when the Blasingame family moved to the Cherokee Nation? A Alex Balsingame came with me when we moved here, and went back and got his family and moved that fall.
Q Did he move his family here that same fall? A Yes sir.
Q What year was that? A In the fall of 1883 I believe it was, as well as I remember now.
Q When did the Bulaska family come? A I think the girl and the old lady came in the next spring.
Q How long did they remain that time? A The old lady stayed here, but the girl went back and in a short time her and her husband came back.
Q Did she come back until after her marriage? A No, she was married when she come first.
Q The last time? A She was married I think, she was married when she come out.
Q How long has August Bulaska been a permanent and continuous resident of the Cherokee Nation? A I think he came there in the fall of 1884 or 1885, I won't say which.
Q How long has Robert Pierce been a continuous resident of the Cherokee Nation? A Ever since he was admitted.
Q When was that? A '83.
Q How long has Martin L. Patterson? A Ever since he married his wife, and he was living here before he married his wife.
Q Who is Arizona Airey? A That is my daughter.
Q Did you bring her with you? A No no. When I moved.
Q When did she come? A She came out in a year or two after I moved here.
Q Was she married when you moved here? A No sir, she was not married.
Q She was not married when you were admitted? A No sir, she was a child.
Q When did Jim Lowe come to this country? A With his grandfather, James Dawson.
Q What was his mother's name? A Melvina Dawson.
Q You know Jim Lowe's age? A No sir.
Q Don't know how old he was in '83? A No sir.
Q Was he grown? A I think he was.
Q Married? A No no.
Q Married in this country? A Yes sir
Q Who is James M. Harmon? A Married into the Jackson girls.

Q When did they come to this country? A Right away after they were married.
Q In what year? A I think the latter of '94, I think it was, during the winter of '94.
Q You know Gideon Graham? A Yes sir.
Q Who is his mother? A Mildred Ann Graham, formerly Mildred Ann Dawson.
Q Did he come from Texas to Arkansas? A Came from Texas.
Q Did you know them in Texas? A I knew the girl.
Q You never knew them until they came to this country? A I never knew them, sir.
Q When did you see him here? A I think they came there in the fall or winter of 1894 or '5.
Q He was married then? A I think he was.
Q Brought his wife? A I think he was, I don't know.
Q Did he have any children when you first saw him? A He came to my house and I never saw his family for--I don't know, for several years.
Q You understood he had a family? A Yes sir.

BY MR. McKENNON:

Q Did you see him in '84 or '94? A '84.
Q Did you see Gid Graham in '84? A '84, let's see, maybe '85.

BY MR. HASTINGS:

Q Did you see him in '84; are you positive on that proposition? A I think so.
Q Will you swear it? A No sir, I won't positive swear it, but I think it was. A I remember now it was; I couldn't say positive.
Q All the people Mr. Dawson that have been admitted to citizenship by courts of competent jurisdiction unless they were de-citizenised by courts of acquired jurisdiction, enjoyed the same privileges that you have narrated here about going to school and being tried in the courts? A Yes sir.

Q All that kind of thing that you have been telling here in your direct examination? A Ask the question again.
Q I say all people who were admitted here by courts of competent jurisdiction, until they were de-citizenised by courts of like jurisdiction, enjoyed the same privileges that you did? A So far as I know they was.
Q They all drawed money and all tried in the courts as long as we had tribunal courts, were they not? A Yes sir, so far as I know.
Q There was no special privilege granted to you in preference to anybody else? A None but recognized citizens of the Cherokee Nation.
Q Well you had been recognized since you were admitted? A Yes sir, I enjoyed the same privileges of native born Cherokees.
Q Well I say there is nothing special about it? A No, I don't know as there is.
Q You got acquainted with Mr. Duncan while you were up there during the hearings? A Yes sir, I was acquainted with him, knew him, knew him.
Q Mr. Dill took the examination of Dr. Baker? A Yes sir.
Q Did you file any other paper before the Court other than your petition and filed by Baker's statement? A I never filed any petition there at all.
Q Never anything? A I don't remember any.
Q Well you never had occasion to file any papers before Mr. Duncan? A I was told to do more waiting for me.
Q What? A Letters to my brother in Texas.
Q Nick Dawson? A Yes sir, N. Dawson.

Q That? A Yes sir, Buck Dawson.
Q Well is that all he did for you? A I don't remember any about it.
Q Why didn't you get your attorney to do that letter writing? A There was not any there.
Q Taylor nor Bellge was not there then? A No sir.
Q That is what you paid the 20 or 25 dollars for, was writing this letter back to your brother? A I paid him for that claim.
Q When did you pay that? A I think I paid it, I don't exactly when, Camp Taylor paid it a year or two after I moved out here and settled where I did; might have been 8 years, I don't remember.
Q Where was Dawson living then? A I couldn't say where.
Q Was he still clerk of this Court? A No sir, not when that money was paid; that is, when Camp Taylor said he paid it.
Q You did send Camp Taylor some money? A I sent some money to him for Joel Bryant.
Q You knew Joel Bryant's address didn't you? A No, I don't know that I did, No I didn't send Camp Taylor any money, I gave it to him.
Q How much did you give him? A One hundred dollars.
Q When? A Right at that time; he claimed it from me as soon as we got our papers; he came onto us and demanded it for Bryant.
Q You never sent him any then after that? A No sir.
Q Did you ever see Bryant after that? A Yes sir
Q How long after that? A I don't know, a year or two afterwards. a year I believe, my brother wrote, I wrote to my brother about paying Camp Taylor money and he went onto my brother about it and he never paid him until we moved out to this country.
Q After all that you got him to attend to your uncle Jim Dawson's and the other relatives cases? A The other parties did.

BY MR. McKENNON:

Applicants object to all that part of the witness' evidence in response to interrogatories by representatives of the Cherokee Nation which relates to the character of the evidence upon which the judgments admitting members of the James and Robert Dawson families were admitted, and to the history of the members of the Dawson family, because the same is immaterial, incompetent and irrelevant.

BY MR. McKENNON:

Q One question I omitted to ask you Mr. Dawson, as to the Court at the time the judgment admitting Robert Dawson's family was rendered, who of the judges were present on that day? A They was all three of them, Wolfe, Tehee and Thompson.
Q Are you positive of that fact? A Yes sir.
Q You do not know this Andrew Dawson family who applied to the Dawes Commission for Cherokee citizenship, and who stated that they are cousins of some members of your family? A Andrew?
Q Andrew J. Dawson, who claims to be from Missouri? A How was the question?
Q You do not know them do you? A I don't know that they are any kin to us.
Q You don't know that they are related to you at all? A No sir.
Q This Mary Dawson case, do you know the members of that family? A No sir, I don't.
Q Don't know who they are? A No sir.
Q The Rebecca Dawson case? A I don't know her either.
Q You don't know whether they are related to you or not? A No sir.
Q If any of these persons are related to you or our family did you have any knowledge of it? A Not as I know of.

Q You're Barbery do you know anything about them? A They claim to be kin to me.
Q Where are they from? A They are from Texas.
Q Do you know they are related to you? A They claim to be kin.
BY MR. HASTINGS:
Q Well you were for them before the Commission? A Yes, they claim to be relatives of mine.
BY MR. McKENNON:
Q Irene A. Waters, who is that? A That is a cousin of mine; claims to be.
BY MR. HASTINGS:
Q You testified for her didn't you before the Commission? A I think I did, as well as I remember.
BY MR. McKENNON:
Q Before the court that admitted Jim Dawson and family, who were the witnesses there? A Oliver Miller, from Perryville, Arkansas.
Q Who were the others? A Myself and J. Dawson and there was two other witnesses, I don't remember who they are.
Q Were they Cherokee citizens and residents of the Cherokee Nation? A Yes sir.
BY MR. HASTINGS:
Q You don't remember their names? A Which
Q Of these other people who claimed to be citizens of the Cherokee Nation and who were witnesses? A I said about me and J. Dawson were citizens of the Cherokee Nation.
Q You only proved that Jim Dawson was a brother of Robert Dawson before the Court? A Yes sir.
Q And then referred back to the decision in the court before? A We proved that they were citizens, and he knew my folks before he ever came here.
Q Was he older than Dr. Baker? A About the same age.
Q Why didn't you get Oliver Miller's testimony in the House case?
Q He was dead.
Q You and no member of your family in the Irene House case or the Jonnie Barber case or any of those cases that were tried before the Dawes Commission in your affidavits ever had reference to the fact that Oliver Miller testified in Jim Dawson's case in '84 did you? A I don't remember about that.
Q You did make reference to the fact that Dr. Baker testified there in '83, didn't you? A I don't remember about that now.
Q You never made reference to any other witness having testified other than Dr. Baker didyou? A I don't remember about it now.
BY MR. McKENNON:
Q Now just one other question: All of these papers in the original application and everything, so far as you know, in the James Dawson case, were filed before the Commission which admitted the James Dawson family, are lost or misplaced are they not? A I suppose they are, I don't know, I never saw them.
Q Have you tried to get copies of them? A Yes sir, I tried to get the original papers.

MR COMMISSIONER: This case is continued until 8:30 a.m., tomorrow morning, March 20th, 1902, it now being the hour for adjournment.

MARCH 20, 1902.- 8:30 A. M.- F. B. LARSON again on the stand, testifies as follows:
BY MR. McKENNON:
Q There was your brother Jim Dawson raised? A In Arkansas.

Q What County? A Carroll.
Q Near it a town? A Berryville.
Q Did Dr. Baker live at Berryville? A Yes sir.
Q Was your brother intimately acquainted with him for many years?
A Yes sir.
Q Did he know Mr. sufficiently to be acquainted with his character and habits of life? A Yes sir.
Q Do you know Josephine Pierce? A Yes sir.
Q Whose daughter was she? A Robert Dawson's.
Q Is she the same identical person who is called Josie Pierce, and Josie Dawson? A Yes sir.
Q Is there any other Josie Pierce or Josie Dawson or Jos Shine Pierce or Josephine Dawson? A I don't know but the one.
Q She was also called Josephine or Josie Kelly? A Yes, after she married; her first husband was Pierce.
Q And her second husband was Kelly.
Q There was another Josephine Dawson wasn't there, Mahaffy's wife?
A Why they called her Joe, I reckon that's her name Q, I could not be positive; that was Pile Dawson's daughter, August Mahaffy's wife.
Q She is much younger than your sister, Josephine, above referred to? A Yes sir, oh yes.

BY MR. HUTCHINSON:

Q Where were you born, Mr. Dawson? A Carroll County, Arkansas.
Q You know how old you are? A 42.
Q 42? A I think so.
Q How many older children were there of your father and mother than yourself? A Three.
Q Which were they? A E. Dawson, Riley Dawson and Jasper Dawson.
Q You are the fourth child and the fourth boy? A Yes sir, fourth boy.
Q Where was your father and mother married, do you know, from family history? A I think it was in Arkansas, I couldn't be positive, I think they was.
Q Do you know how long your grandfather lived in Arkansas? A No sir I don't.
Q Don't know what year he came to Arkansas? A Only from statement.
Q Well what did they say about it? A I think they came there in '30.
Q You find whether your father was born in Arkansas? No many of your grandfather's children were born there? A There was none of them born in Arkansas according to history and according to what he always told me, they were born in Tennessee.
Q He came there in '30, and all the other children were born on the Elkhorn River in Tennessee, before he ever came? A That is that I think, yes sir. Now I am not positive about that. They were from Tennessee, but either Dr. Baker lived there or they came from there; I don't know as I remember that I ever heard my father say where he was born at.
Q In Tennessee somewhere; he said he was a good big boy when he came to Arkansas? A I don't know as I ever heard him say.
Q Do you know the difference in the ages of yourself and your three older brothers? A No I don't.
Q Don't know the time that comes in between you? A No I don't know that; I think it is about two years though.
Q That would make E. Dawson about eight years older than you, probably? A Yes sir.

BY MR. McKENNON:
Q Did Josephine Pierce have a daughter who married Mr. Bogle?
A Yes sir.
Q What was her name? A I always knowed her by Dode Pierce; I don't know whether that is her right name or not.
Q That is Bogle's name? A John Bogle.
Q She is the child of Josephine Pierce who married John Bogle?
A Yes sir.
BY MR. HASTINGS:
Q Where did she marry John Bogle? A Near Afton.
Q When? A I couldn't state.
Q About when? A You have got a copy of the marriage license.
Q When did Josephine Pierce come to the Cherokee Nation? A '83.
Q Has she lived here continuously since that time? A Up until her death; she is dead.
Q Any of her children come with her at that time? A Yes sir.
Q And have they lived here continuously since that time? A Yes sir, except Bill Pierce, he went to Colorado and died.

J. C. STARR, being first duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q Your name is J. C. Starr is it? A Yes sir.
Q Mr. Starr, was that instrument taken by you, or before you? (Showing witness document.)
A Yes sir.
Q Where? A At the residence of S. H. Benge: near Fort Gibson.
Q When? A On the 15th day of this month.
Q What day of the week was that? A On Saturday.
Q Is that the day it was taken? A Yes sir.
Q Did you go there on Saturday to take this? A Yes sir.
Q Then when Judge Benge stated on Tuesday that it was taken "yesterday" meaning Monday, the 17th, he was mistaken, was he?
A It was taken Saturday, the 15th.
Q Was he mistaken or not? A It was not taken then.
Q Then his statement made on Tuesday the 18th that it was taken on "yesterday", meaning Monday, the 17th, was not correct, was it?
A I think not, because I was there, and it was taken on the 15th.
Q And it was taken on the 15th, you are positive it was taken on the 15th? A Yes sir.

Q Then of course his statement could not be correct? A I guess not.
BY MR. HASTINGS:
Q He was just mistaken about the date, wasn't he? A Yes sir.
BY MR. McKENNON:
Q Did you tell Charles T. Moore who is now present, on last Tuesday that they sent you out there on Monday to take that? A No sir.
BY MR. HASTINGS:
Q I sent you there last Saturday? A Yes sir.
Q And you went there at my direction, didn't you? A Yes sir, and come back Saturday night.

ROBERT L. DAWSON, being first duly sworn, and being examined testified as follows:
BY MR. McKENNON:
Q What is your name? A My name is Robert L. Dawson.
Q What is your age? A My age is something close to 70 years old, I am 29 past.

Q Are you a son of E. Dawson, commonly known as Buck Dawson?
A Yes sir.
Q I will ask you if you will examine this letter sent with the enclosures and state whether or not you found that among the papers of your father after his death? A (Hands letter to witness who examines it) A Yes sir, I found this amongst the papers of my father. He always kept all his own papers, and me looking over them I saw this letter.
Q Has that been in your custody ever since you found it? A Yes sir, if that's the letter that was in the envelope.
Q Well that's what it is, you can tell whether it is or not. (Witness further examines letter) Q That purports to be a letter from Samuel H. Benge, does it not, to your father? A Yes sir. (Here applicants' attorney hands letter and envelope referred to to attorneys for Cherokee Nation.)

BY MR. McKENNON: I want to offer this letter in evidence in this case, it is a letter signed by S. H. Benge, attorney at law, dated Fort Gibson, C. N., Jan. 13, 1883. Addressed to Mr. E. Dawson, Esq., together with the envelope, in which it was enclosed, with the card of C. H. Taylor upon it, attorney at law, Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T., January 15.

BY MR. HUTCHINGS: The Nation objects to the introduction of this letter for the reason that S. H. Benge is living and has testified in this case, and his handwriting should be either proven or denied by himself.

G. W. BENGE, being first duly sworn, and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A G. W. Benge.
Q Are you a son of Samuel H. Benge? A Yes sir.
Q Do youknow his handwriting? A I believe so.
Q Is that his handwriting? (Shows witness letter before referred to.) A Yes sir, it is either his or a resemblance of his.
Q To the best of your knowledge and belief in that his letter?
A Yes sir.

BY MR. McKENNON: Now we offer it in evidence.

BY COMMISSION: (Reading letter)

"Fort Gibson, C. N.,
Jan 13th, 1883.

Mr. E. Dawson, Esq.,

Dear Sir:- I write this note to inform you that your case came off before the Court on Citizenship on the 11th inst, and was decided in your favor, so you all are citizens of this Nation. F. M. Dawson was furnished with a copy of the decision at the court. He will write to you also. You will please send me fifty dollars as my fee in your case according to contract. Send it to Fort Gibson, Cherokee Nation.

Respectfully yours,
S. H. Benge,
Attorney at law."

Enclosed in envelope, as follows:
Card in upper corner, left hand:
"Return in ten days to C. H. Taylor,
Attorney at law,
Tahlequah, Ind. Ter."
Addressed "Mr. E. Dawson,

Henrietta,
Clay Co., Texas."

Post-marked: " Tahlequah, Jan 17 Ind T."

ROBERT L. DAWSON, re-called and further examined, testified as follows:

BY MR. McKENNON:

Q Now examine that and see if that is also a paper which you found among your father's papers after his death? (Hands papers to witness) A That is the same letter that I found.

Q After the one that you found the former letter? A Yes sir.

BY MR. McKENNON: This is a letter purporting to have been written by J. M. Bryan, to R. Dawson, dated at Chouteau Station, Cherokee Nation, and not dated, which we offer in evidence. (Applicants' attorney hands said paper to Nation's attorneys.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSION: (reads letter)

"Chouteau Station, Cherokee Nation.
I. T., M. K. & T. R. R.

Mr. Dawson:

Dear Sir:-

I am in receipt of your favor of the 30th inst in regard to our contract.

After I had got the claim so there would be little more to do I employed Campbell Taylor to answer for me when the case came up, for which I was to pay him $20 out of my fee.

This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, or that you was to pay him $100- and that you had offered him a check on some bank in Texas.

That $100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

And I am satisfied that you are apprised of the earnest work I done for you. Please write to me.

Very respectfully,
Very truly,
J. M. Bryan."

Q I will ask you if you know of your father having paid Bryan what money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A No, I don't know whether I know his age or not.

Q If you don't know you can't say? A I wouldn't have no reason to know his age; never asked him his age; of course I guess my mother knows.

Q Never had occasion to talk about his age at all? A Oh I have heard him speaking of his age at different times, but then I never paid enough attention to it.

Cid Graham, being first duly sworn, was examined and testified as follows:

BY MR. McKENNON:

Q What is your name? A Cid Graham.

Q How old are you? A Mr. Graham? A I am 35 years old.
Q How long have you been living in the Territory? A I came out here in 1887 or '88.
Q To the Cherokee Nation? A Yes sir,
Q How long have you been living in the Cherokee Nation, what year was that '87 or '8? A Yes sir.
Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.
Q How long did you live in the Cherokee Nation? A About 6 years.
Q Where did you go then? A Wagoner.
Q In the Creek Nation? A Yes sir.
Q And been residing there ever since? A Yes sir.
Q In business? A Yes sir.
Q Have you all the while been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q Mr. Graham, do you know Judge Samuel H. Benge? A Yes sir.
Q Did you have a conversation with him in Fort Gibson about September of 1900? A Well as to the exact time I couldn't say, it was sometime about the time that the Dawes Commission were at Salliasw, or possibly a little later, somewhere about there.
Q Taking the census of the Cherokees? A Yes sir.
Q At that time had the question of the validity of the judgment of the Cherokee citizenship commission admitting Robert Dawson and family been called in question? A Yes sir.
Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.
Q What did he tell you about it; well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A He did.

BY MR. HUTCHINOS:

Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?
Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.
Q And he told you the judgment was all right? A Having known that Mr. Benge was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I might want his affidavit concerning the matter, and I also I think maybe wrote to him; possibly prior to that, I am not sure as to the writing, but I think possibly I did.
Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would use him in person; he assured me that everything was all right.
Q Your mother was Missouri Dawson was not she? A Yes sir.
Q Her name was Missouri Graham when she was re-admitted to citizenship? A Yes sir.
Q And was not Missouri Dawson as named in that judgment? A Yes sir.
Q Do you know whether the other children named in there had married and changed their names also at the time they were admitted? A There were not any of them married.
Q Ella Dawson was your aunt? A Yes sir.
Q Was she married at that time? In 1...? A Yes sir.
Q Melvina Dawson, was she married at that time? A Yes sir.
Q And the fourth one you have mentioned, Missouri Dawson, was your mother? A Yes sir.

Q Can you give us the exact date of your birth? A Yes sir.
Q Do so, please? A January 21, 1867.
Q And you came to the Territory when? A In 1887 or 1888.
Q You can't make that any more definite? A Well sir, it has been a good while ago, and I didn't have anything to cause me to.
Q Well I just went to know whether you did have or not? A No sir.
Q When were you married? A 1886.
Q You were married prior to coming here? A Yes sir.
Q Your first child born away from here? A Yes sir.
Q What is its name? A John W.
Q So you were married, and he was born about the spring of '87?
A Somewhere in 1887, I don't remember.
Q Prior to your coming here? A Yes sir.
Q That is the only child you had that was born away from here?
A No sir, Julius.
Q Julius was not born in the Territory? A No sir.
Q And prior to the time of your removing to the Territory? A Yes sir.
Q These are the only children born out? A Yes sir.

BY MR. McKENNON:

Q Do you know Campbell Taylor? A Yes sir.
Q I will ask you if about February 1901, he came to Wagoner, and sent his son to have you come to the hotel at night where he was, and if he then and there said to you "You people are on the doubtful list, and if you will give me five hundred dollars I will make it all right and see that you are enrolled, and if you don't I will see that you don't get on".? A Well now as to the first part of thatquestion, where you say he sent his son; that is an error; I don't know whether he came to my house or sent some one; when I returned home that evening my wife told me there was some one there to see me, and was at the city hotel at Wagoner, and said come down and see him; I went down there; I never had met Taylor; he introduced himself to me and stated what his business was; asked me if I was on the doubtful list, etc., to which I replied that we were; he asked me if I didn't want to employ him, stating that if we would give him, our family would give him five hundred dollars he would see that we were placed on the rolls all right, but if we refused to give him five hundred dollars that he would use his influence against us and see that we were rejected
Q You never had met him before or had any communication with him?
A I never met him before as to the communication, I may have written him something about the affidavit as to the validity of that judgment, I can't say as to that. He said in his testimony that I did; I don't know whether I did or not now

BY MR. HUTCHINGS.

Q You knew he was the attorney in the case, originally? A After looking at the records I did.
Q I mean you knew it at the time you wrote to him about the affidavit, that was the reason why you thought he would know something? A Certainly.
Q He never told you he was going to swear against you or threatened to tell anything that was not true? A He just simply said unless we gave him that five hundred dollars he would see we were all cut off the rolls.
Q Said he would use his influence against you, that is what he said? A Yes sir.

BY MR. HASTINGS:
Q You don't deny writing to him then for the affidavit? A I don't say I did or I did not; I neither affirm it or deny the question.
Q You went to certain terms and also wrote him with reference to what he knew about the case? A I don't know whether I wrote him or not, I said I was under the impression I wrote his son.
Q You went to see Aaron Butler, who was interpreter before that court that admitted you? A Yes sir.
Q And you went with Aaron Butler to see Jim Smith, attorney before that court? A Yes sir.
Q And you either wrote or went to see everybody you knew of that was before that court then? A Yes sir.
Q You know you used considerable activity? A Yes sir, I used such activity as was to my interest.
BY MR. McKENNON:
Q That was all after the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof such as had appeared before the Commission had been placed upon a doubtful card? A Yes sir.
Q Then you began to look up the evidence and see what there was in it? A Yes sir.
Q As Mr. Hastings has stated? A That is right.
BY MR. McKENNON:
Q You are a grandson of James Dawson? A Yes sir.
Q The old gentleman? A Yes sir.
Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1884, wasn't it? A Yes sir, well I can't be exact as to that.
Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.
Q Well what other James Dawson did you know belonging to the families, either one of these families, Robert Dawson family or the James Dawson family? A I never knew of but two James Dawsons.
Q Who were the others? A Dr. James R. Dawson, who is present and standing right here; my grandfather, James Dawson.
Q Was there in '84 any James R. Dawson 35 or 40 or 45 years old, that you know of, belonging to either one of these families?
A No sir.
Q Do you know how old Dr. James R Dawson was that that time?
A James Dawson? Q No I am speaking of Dr. James R. Dawson? A Oh, how old he was, no sir, I do not.
BY MR. HUTCHINGS:
Q Do you know who was here attending to your mother's citizenship case at that time, at the time they were admitted? A Yes sir. James Low and Bill Jackson, son of Ellen Jackson.
Q Who was W. A. Dawson? A That is Wilburn, my uncle.
Q Was he here? A I don't know sir.
Q You were not here any of the time? A No sir.
Q You knew your grandfather then, you had lived in the same neighborhood with him? A Yes sir, I knew him well.
Q He didn't die for a year or two after that did he? A After when, Mr. Hutchings?
Q After his admission to citizenship? A No sir, he didn't die I think until '91 or '90, several years after.
Q Very old man when he died? A Yes sir.
BY MR. McKENNON:
Q About what age? A He was approximately 80 years old.
BY MR. HUTCHINGS:
Q When he died? A Yes sir

BY MR. MASTERS:
Q That about 1891? A I think so, Yes sir.
BY MR. McKENNON:
Applicants object to the testimony of the witness solicited by interrogatories of Counsel for the Cherokee Nation relating to his family, their history, etc, as being immaterial, irrelevant and incompetent.

James R. Dawson, being first duly sworn, and being examined, testifies as follows:
BY MR. [illegible]:
Q Your name is James R. Dawson? A Yes sir.
Q Where do you live? A Afton, Indian Territory.
Q What is your age? A 45.
Q You are a physician are you not? A Yes sir.
Q Was James Dawson, whose family was admitted in 1904, an uncle of yours? A Yes sir.
Q Do you know what his age was at that time? A No sir, I do not, only approximately.
Q State as nearly as you can? A At the time of the admission?
Q Yes sir? A About 70, I don't know exactly.
Q How old was he when he died? A I would suppose he was about 78.
Q What was your age in 1884? A I am 45.
Q What year were you born, Doctor? A I was born in '55.
Q That have been '56? A Yes sir, that's right.
Q What was your age then? A In '84?
Q Yes sir? A About 28.
Q Were you present at the time that James Dawson family was admitted, or at any time while their case was pending before the Cherokee citizenship commission? A Not while the James Dawson case was, no sir.
Q You were present during your father's case? A I was there at the time.
Q When was that? A The dates I disremember; when the case first come up, I disremember the exact date.
Q How long were you there? A I was there about a week.
Q Was that when it first came up you say? A Yes sir.
Q Nothing was done? A No sir.
BY MR. MITCHELL:
Q You knew one Dr. Baker? A Yes sir.
Q Did he and your uncle Jim ie used to talk about how they played together when they were boys? A My uncle Jim and Dr. Baker talk?
Q Yes? A I never was them together.
Q They were about the same age? A Yes sir, I believe Dr. Baker was in years older probably.
Q Dr. Baker just have been mistaken about his own age? A Generally, that's all I know about his age.
Q The Doctor had been paralyzed, rather a decrepit looking man at the time he was over here at this citizenship business? A No sir, not as I know anything about.
Q He was near about 70 then? A I couldn't tell you, he was an old looking man.
Q Your uncle Jim ie was about 70? A Yes sir.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

W. W. HASTINGS, being first duly sworn, and being examined testified as follows:
BY MR. MATHEWSON:
Q State your name? A W. W. Hastings.
Q Residence? A Tahlequah, age 36.
Q You are attorney for the Cherokee Nation in the general preparation of these cases? A Yes sir.
Q Just state how it happened that you summoned Mr. Campbell Taylor and what occurred between you with reference to his testimony? A Well there has been much talk, as the testimony here indicates, that there was perhaps fraud in the admission of this family, and by agreement with counsel on the other side, and the Commission, this case was set for the 17th day of March, and some short time prior to that, as the attorney for the Nation I began to make some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote C. H. Taylor to come down here. I don't think in that letter that I told him what I wanted with him. I don't think I told him the case that I wanted him to testify in; that is my recollection now. Mr. Taylor prior to that time, neither directly nor indirectly, so far as I know, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I summoned him; perhaps the fact that I knew he had been connected with them in some way and that I perhaps also would get some information from him. Well he came in response to a letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe he could be compelled to testify, and that is he was put upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length; I asked him what he knew about it; of course he for a long time declined to tell me; and what information I did get from him was by piecemeal. He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him.
Well we talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he detailed to me the facts just as he told them on the stand; I don't believe there is the slightest variation, except that he perhaps was not so full at that time and it was told by piecemeal, but I got all those facts out of him, or very nearly all those facts out of him. He may have elaborated a little more here by examination; but he never voluntarily gave me any information at all, either directly or so far as I know indirectly. I don't think he sent any one to me. I got his name because I heard he was connected with the case, and perhaps knew something about it, like I did a great many other people, some of whom I didn't bring, because they didn't know what I supposed they did know about the case.

With reference to S. H. Benge, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. C. Starr over to S. H. Benge's place to take his affidavit on Saturday, March 15, in the W. B. and J. W. Shoemake case, and their descendants. I had heard that Mr. Benge knew some important facts in connection with the Shoemake case and I sent him over there then to take that affidavit; and when Mr. Starr came back he told me that he knew some facts also in connection with these other cases, and I was surprised to find he had [illegible] of one affidavit, in the Shoemake case, [illegible] another affidavit in the Mayes case. [illegible] I had that Mr. Benge knew anything [illegible] the Dawson case, and therefore he [illegible] directly or indirectly gave any information prior to [illegible].

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not seeking anything else but the truth, and didn't want him to tell anything else but the truth.

I want to say again that after he was on the stand and left that evening, and after Captain McKennon, as counsel for the family, had indicated his willingness for Mr. Taylor to testify, that he went over all of these facts that he testified to on the stand subsequent to that time in the presence of J. C. Starr in my office. I simply wanted to go on the stand for the purpose of showing that Mr. Taylor hadn't voluntarily given me any information, and

I make this statement for that purpose.

BY MR. McKENNON:

Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the persuation that I brought to use.
Q He therefore did it simply upon your persuation? A Yes sir.
Q You knew he had been acting as attorney for these parties?
A Yes sir, I had seen from the record that he did too.
Q And he told you so? A Yes sir.

BY COMMISSION: The attorneys for the applicant and the representatives of the Cherokee Nation will be granted thirty days from the receipt of the transcript in this case in which to file a brief in this case with the Commission.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. Green.

I, Arthur O. Wrenn, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing, and that the same is a true and complete copy of the original.

Arthur O. Wrenn

Subscribed and sworn to before me this 28th day of December, 1902.

(COPY)

Refer in reply to the following:
Land 13658-1905.

Department of the Interior,
Office of Indian Affairs,
Washington, October 16,1905

Cherokee Enrollment
Francis M. Dawson et al., Group 13.

The Honorable

The Secretary of the Interior.

Sir:

Referring to office report of even date transmitting the record relative to applicants, parties to Group 1 of the Francis M. Dawson Consolidated Case, there is enclosed herewith the record relative to the applicants involved in Group 13.

D 521, Group 13, page 1.

Lula Pearl Weddle applies for enrollment of herself and her minor children, Curtis and Morris O. Weddle, as citizens by blood and for the enrollment of her husband, Hiram F. Weddle, as a citizen by intermarriage. She also applies for the enrollment of Roy Weddle who was born subsequent to the date of her original application. He is properly identified by a birth affidavit.

D 522, Group 13, page 8.

William D. Douthitt applies for the enrollment of himself as a citizen by blood.

D 343, Group 13, page 9.

Alonzo M. Fishback applies for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife,

Laverna A. Fishback, and their minor children, William A. and Annie B. Fishback, as citizens by blood.

D 737, Group 13, page 19.

Elbert L. Morgan applies for the enrollment of his wife, Florence Morgan, and their minor child, Glide, as citizens by blood. He also applies for the enrollment of Alice A. Morgan, his minor child, born subsequent to the date of his original application. This minor is identified by a birth affidavit.

D 848, Group 13, page 24.

John E. Fishback applies for the enrollment of himself as a citizen by blood.

D 979, Group 13, page 27.

George A. Mabry applies for the enrollment of himself as an intermarried citizen and for the enrollment of his wife, Edna Mabry, and their minor children, Roby and Charlie Mabry, as citizens by blood.

December 23, 1902, the Commission found that all of the applicants above named, except George A. Mabry, were entitled to enrollmenr as citizens of the Cherokee Nation. Hiram F. Weddle and Alonzo M. Fishback as citizens by intermarriage and the others as citizens by blood.

The parties to this group claiming the right to enrollment are related to the Dawsons but they do not claim the right to enrollment by reason of such relationship. The evidence in this case shows that Hiram F. Weddle was married September 13, 1884, under

a Cherokee license, to Lula P. Douthitt (Group 13, page 1). Lula P. Weddle, nee Douthitt, was admitted to citizenship in the Cherokee Nation by the Spears Court, September 13, 1884. The decision of this Court admitting her is as follows:

And now on this the 13th day of September, 1884 comes this case for final hearing and all the evidence in the case having been carefully read and considered by the Commission on Citizenship it has been decided by the Commission that the above named Lula Douthett and Dallas Douthett are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

Eli Spears, pres.
John Lee,
Andrew Young,
Commission on Citizenship.

John L. Adair,
Clk Com'n.

Hiram P. Weddle and his wife are identified by the 1896 roll. Lula P. Weddle has lived in the Cherokee Nation since 1884.

William D. Douthitt (Group 13, page 8) is a brother of Lula P. Weddle and was admitted to citizenship in the Cherokee Nation by the Spears Court September 13, 1884. He is identified by the census roll of 1896 and the record shows he has lived in the Cherokee Nation since he was admitted to citizenship.

Leverna, or Verena, Fishback, nee Dawson (Group 13, page 9) is a daughter of Jasper Dawson, who was admitted to citizenship January 11, 1883. She was first married to Alonzo M. Fishback in 1887, in accordance with the laws of Texas. May 17, 1893, they were re-married in accordance with the laws of the Cherokee Nation. Leverna Fishback does not, however, claim right to enrollment by reason of the admission of her father but by reason of her own admission on December 1, 1894. The act of the national council admit-

ting her and others to citizenship is as follows:

Senate Bill No. 18.

Be it enacted, by the National Council, that M. A. Foland, Edna Mabry, Kittie Flourney, Verena Fishback, M. C. Taylor and Elmer Cox, together with their families, be, and are hereby entitled to all the rights and privileges as are enjoyed by the rest of the members of their families who are citizens of the Cherokee Nation by blood, and all of whom are now residents of cooweescoowee district Passed by the Senate November 27th, 1894.

Roach Young, President Senate.
J. C. Starr, Clerk of Senate.

Concurred in by Council November 28th 1894.
V. Gray, Speaker of Council Pro tem.
J. M. Dick, Clerk of Coulmcil.
Approved December 1st, 1894. C. J. Harris, Principal Chief C. N.

Alonzo M. Fishback, and the persons for whom he applied are identified by the Cherokee census roll of 1896. His wife is also identified by the Cherokee pay roll of 1890. The Fishback family has lived in the Cherokee Nation since 1883.

Kibert L. Morgan (Group 13, page 19) is the husband of Florence Morgan, Nee Flourney, who is the daughter of Kitty Richardson, formerly Flourney, nee Dawson. Mrs. Richardson was admitted to citizenship in the Cherokee Nation by the National Council December 1, 1894, under the name of "Kittie" Flourney. The members of her family were also admitted by this act.

John E. Fishback (Group 13, page 24) is a son of Leverna A. Fishback who was admitted to citizenship in the Cherokee Nation by act of the national council of December 1, 1894. His mother was admitted under the name of "Verena" Fishback.

Edna Mabry (Group 13, page 27) was married to George A. Mabry December 11, 1884, in accordance with the laws of the State of

Arkansas. She and her husband claim to have been married in 1868 under the laws of the Cherokee Nation. The record contains no evidence as to this latter marriage except the testimony of the applicants. Edna Mabry is a daughter of Robert and Nancy Dawson. Robert was admitted to citizenship in the Cherokee Nation January 11, 1883. Edna Mabry, however, does not base her right to enrollment on her father's admission. The record shows that she and the members of her family were admitted to citizenship by act of the national council approved December 1, 1894.

In view of the foregoing the office is of the opinion that the decision of the Commission with reference to the parties to this group is correct and should be approved except in so far as it relates to the enrollment of Hiram P. Waddle and Alonzo M. Fishback who are applicants for enrollment as citizens by intermarriage and to George A. Mabry who is an applicant for enrollment as an intermarried citizen whose enrollment has been denied by the Commission. The approval of the Commission's decision, except as to the parties mentioned, is recommended, and attention is respectfully invited to office report of even date transmitting Group 1, of this consolidated case.

August 31, 1903, Kimball & White, attorneys of this city, filed a brief and argument relative to the right of George A. Mabry to enrollment as an intermarried citizen. In their letter it is stated that a copy of the brief was forwarded to the attorney for the Cherokee Nation.

September 28, 1903 (I.T.D. 6018), the Department forwarded to this office the reply of the Cherokee Nation to the brief above mentioned. May 22, 1903 (I.T.D. 4881), the Department transmitted to this office a motion for a new hearing with reference to the right of George A. Mabry to enrollment.

August 24, 1903, Kimball & White filed a motion "for review and recommitment" to the Commission of this group in so far as it relates to the right of George A. Mabry to enrollment as an intermarried citizen.

The evidence does not show that George A. Mabry and his wife, Edna Mabry, have been married in accordance with the laws of the Cherokee Nation. Mabry testifies that they were so married but he did not furnish a copy of the marriage license or of the record of the Cherokee Nation pertaining to such marriage. In order that no injustice may be done this applicant, the office believes that the case, so far as he is concerned, should be returned to the Commission in the event the Court of Claims finds that intermarried citizens are entitled to enrollment and to participate in the distribution of the Cherokee estate.

It is not believed, however, that the case should be returned until after the Court of Claims shall have made its findings and rendered an opinion on the question submitted to it by the Department February 24, last.

Attention is respectfully invited to the fact that the act of December 1, 1894, admitted to citizenship in the Cherokee

-2-

Nation Edna Mabry, among others, "together with their families." George A. Mabry and Edna Mabry were married prior to the date of said act and it may be possible that George A. Mabry was admitted to citizenship in the Cherokee Nation December 1, 1894, by reason of the fact that his wife and the members of her family were admitted to citizenship. However, as he has applied for enrollment as an intermarried citizen the office does not consider it necessary to discuss this point but invites attention thereto.

Very respectfully,

W. A. Jones,

Commissioner.

O.A.W. (B).

D. S. 10612-1904. DEPARTMENT OF THE INTERIOR,

WASHINGTON.

JP
FHR
J.W.M.

LRS

KTD 7442-1903.
7468- "

March 31, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 25, 1903, you transmitted the record in the matter of the application of Francis M. Dawson et al., for enrollment as citizens of the Cherokee Nation. In your decision of December 23, 1902, you disposed of the applications in the Dawson case by groups. In this letter Group XIII, as disposed of by you, will be considered.

This group includes those applications designated by you as D. 343, D 821, D 737, D 845 and D 979.

Title D 343 refers to the application of Alonzo M. Fishback for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Leverna A., and his minor children, William A. and Annie B. Fishback, as citizens by blood of the Cherokee Nation. It appears that the said Alonzo M. Fishback was married May 17, 1893, in accordance with the laws of the Cherokee Nation to Leverna A. Dawson, to whom he was previously married in the

State of Texas, according to the laws thereof in 1877. She was admitted to citizenship in the Cherokee Nation by the act of the National Council approved December 1, 1894, under the name of Verona Pinkbeck.

All the members of this family are identified upon the 1896 roll. Verona Pinkbeck is also identified upon the pay roll of 1890. The father and mother have resided in the Cherokee Nation si nce 1883.

Title D 821, refers to the application of Lula Pearl Weddle for the enrollment of herself and her minor children, Curtis, Morris O., and Roy Weddle, as citizens by blood, and for the enrollment of her husband, Hiram P. Weddle, as a citizen by intermarriage of said nation. It appears that Lula Pearl Weddle, formerly Lula Pearl Douthitt, was admitted to citizenship in the Cherokee Nation by decree of the Spears Court dated September 13, 1884. She has resided in the Cherokee Nation since 1884, and is identified upon the 1896 census roll. Her children named above are identified by birth affidavits.

Title D 737 refers to the application of Elbert L. Morgan for the enrollment of his wife, Florence, and his minor children, Clide and Alice A. Morgan, as citizens by blood of said nation. It appears that the said Florence Morgan is the Florence Flourney referred to under title D 715, which was disposed of by you in Group xii. She was admitted to citizenship December 1,1894, with her mother, Kitty Richardson, formerly Flourney as a member of her

family. She has resided in the nation since 1894. Her children, Clide and Alice A. Morgan, are identified by birth affidavits.

Title D. 845 refers to the application of John E. Fishback for the enrollment of himself as a citizen by blood of said nation. This applicant is a son of the Laverna Fishback who was admitted to citizenship on December 1, 1894, and was a minor at that date. He is identified on the census roll of 1896 and has resided in the Nation since 1894.

Title D. 979 refers to the application of George A. Mabry for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Edna, and his minor children, Roby and Charlie Mabry, as citizens by blood of said nation. The principal applicant was married to Edna Dawson in Arkansas, in 1884. Subsequently, it is claimed, they married in the Cherokee Nation, in accordance with the laws thereof, in 1889. The testimony is not clear as to whether or not George A. and Edna Mabry were married in accordance with the Cherokee law. They were married, however, at the date of her admission by the National Council, viz: December 1, 1894, to Cherokee citizenship, her name appearing therein as Edna Mabry. She is identified on the strip payment roll of 1894, and has resided in the nation with her husband since 1884. Their children, Roy and Charlie Mabry, were minors at the date of their mother's admission.

The attorneys for Mabry have filed a motion for a rehearing in his case, supported by a brief. Both motion and brief have been

duly served upon the attorney for the Cherokee Nation. The latter has filed a reply thereto. The purpose of said motion is to secure a rehearing in order to establish that George A. Mabry was married in accordance with the laws of the Cherokee Nation.

In said decision of December 23, 1902, you held that all of the applicants are entitled to enrollment except George A. Mabry.

Reporting in reference to this group on October 16, 1903, the Commissioner of Indian Affairs recommended that your decision be approved, except in so far as Hiram F. Waddle, Alonzo M. Fishback, and George A. Mabry are concerned, who are classified as applicants claiming by intermarriage. The Commissioner is of the opinion that George A. Mabry should have an opportunity to show that his marriage with Edna Dawson was performed in accordance with the Cherokee law. He does not believe, however, that the case should be returned until after the Court of Claims has rendered its opinion submitted to it by the Department on February 24, 1903. He calls attention, however, to the act of December 1, 1894, which reads as follows:

"Senate Bill No. 15.

Be it enacted by the National Council, that M. A. Foland, Edna Mabry, Kittie Flournoy, Verena Fishback, M. C. Taylor and Edner Cox, together with their families, be, and are hereby entitled to all the rights and privileges as are enjoyed by the rest of the members of their families who are citizens of the Cherokee Nation by blood, and all of whom are now residents of Cooweescoowee district.
Passed by the Senate November 27th, 1894.

Roach Young, president Senate,
J. C. Starr, Clerk of Senate.

Concurred in by the Council November 28th, 1894.

V. Gray, Speaker of Council, protem.
J. H. Dick, Clerk of Council.
Approved December 1st, 1894.

C. J. Harris, Principal Chief, C. N."

and states that it is possible that George A. Mabry was admitted to

citizenship by the terms of said act. In view of the fact that Mabry applied for enrollment as an intermarried citizen, the Commissioner considers it unnecessary a to discuss his rights under said act of the National Council.

It should be noted in this connection, that if the act is applicable to Mabry, it also refers to Alonzo M. Fishbeck.

Title D 522 refers to the application of William D. Douthitt for the enrollment of himself as a citizen by blood of said nation. He was admitted to citizenship by the National Council September 13, 1884, and is identified on the census roll of 1896. Since 1884 he has resided in the nation.

The Department concurs in your decision as to those applicants who claim enrollment by blood. Respecting those claiming by intermarriage, action will be deferred until a decision shall be rendered by the Court of Claims concerning the rights of intermarried persons to enrollment in the Cherokee Nation.

A copy of Indian Office letter of October 16, 1903, relating to this group, is inclosed.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY

Cherokee D-343.

Muskogee, Indian Territory, April 12, 1904.

Alonzo M. Fishback,
Adair, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, granting, among others, your application for the enrollment of your wife, Laverna A. Fishback, and your two minor children, William A. and Annie B. Fishback, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 31, 1904.

Respectfully,

Commissioner in Charge.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

A. S. McKennon,

Attorney for Francis M. Dawson, et al.,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting the applications for the enrollment of Francis M., Lula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Francis M. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. F. Atkins, John W., Albert M., Ralph M., Alford, Samuel R., August, Nate and Robert Dawson, Katie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, John, Robert E., Iola M., Samuel M., Rosa E., Charles E., Hattie J., Jennings B., James U., Virgal C., Thomas P., Mariee J., Orle M., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Harmon, Tosidie A. Jackson, Fannie, Birtie E. and Myrtle Lenox, Missouri, Tempa V., Robert E., Gideon, John W., Julius E., Francis [illegible], Mary F., Jesse T., Gracie ... and Florence ... Graham, Laverna A., Ada ..., Eva P., John W., Ray E., Roberta A., and

Roy W. Painter, Florence P., Myrtle and Claude Bradshaw, Joe E., William C., John F., Edna M. and Robert Lee Graham, Joe Willie Beal, James M., Marion, Maggie, Luther and Floyd Graham, Mollie, Nora, Walter, Clara, Ora, James M., and Edna Edith Moore, Richard W. and Ina E. Dawson, Lila L., Nellen J. and William Glenn Spickerman, Wilbert E., Ralph E., Robert L., and William C. Dawson, Zema, Sarah A., Martha A., Claud A., Edgar D., Thomas W. and Virgil W. Patterson, Joseph R., Clarence E., Council J., Elmer A., Cleo, Rufus T., Edgar, Wilborn, James R., Minnie L., Ermine C., Edwin C. and Ancil F. Dawson, Etta Brauer, Nicey, Delia E., Minis T. and Jasper Cecil Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy, Texanna, Irene W. and Wilborn E. Woolley, Laverna A., William A. and Annie B. Fishback, Lula P., Curtis, Morris O. and Roy Weddle, Florence, Clide and Alice A. Morgan, John E. Fishback, Ina, Roby and Charley Mabry and William D. Douthitt, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Liddie and Margaret Graham as citizens by blood of the Cherokee Nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 31, 1904, and that the Commission's decision rejecting the applications for the enrollment of James, May, Zelma, Roberta, and Rosa Lowe, Osie, Lizzie, Jessie, May, and Clyde Jackson as citizens

by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

(SIGNED) T. B. Needles

Commissioner in Charge.

COPY

Cherokee D 384, et al.

Muskogee, Indian Territory, April 12, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting the applications for the enrollment of Francis M., Lula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Francis M. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. F. Atkins, John W., Albert R., Ralph R., Alford, Samuel R., August, Nate and Robert Dawson, Katie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, John, Robert E., Iola M., Lemuel M., Rosa B., Charles B., Hattie J., Jennings B., James C., Vergal C., Thomas P., Marice J., Orle M., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Hanson, Toshie A. Jackson, Fannie, Birtie E. and Myrtle Lenox, Missouri, Tempa V., Robert S., Gideon, John W., Julius E., Francis W., Mary E., Jesse E., Gracie M. and Florence M. Graham, Laverna A., Ada R., Eva P., John W., Ray D., Roberta A., and

Roy V. Painter, Florence P., Myrtle and Claude Bradshaw, Joe E., William C., John F., Edna M. and Robert Lee Graham, Joe Willie Neal, James L., Marion, Maggie, Luther and Floyd Graham, Mollie, Nora, Walter, Clara, Ora, James W., and Edna Edith Moore, Richard W. and Ina E. Dawson, Ella L., Hellen J. and William Glenn Spickerman, Elbert B., Ralph E., Robert L., and William C. Dawson, Zona, Sarah A., Martha A., Claud A., Edgar D., Thomas M. and Virgil V. Patterson, Joseph R., Clarence E., Council J., Elmer A., Cleo, Rufus T., Edgar, Wilborn, James R., Vinnie D., Ermine C., Edwin C. and Ancil F. Dawson, Etta Brauer, Kitty, Delia F., Finis T. and Jasper Cecil Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy, Texanna, Irene W. and Wilburn E. Woolley, Laverna A., William A. and Annie E. Fishback, Lula F., Curtis, Morris O. and Roy Weddle, Florence, Clide and Alice A. Morgan, John E. Fishback, Edna, Roby and Charley Mabry and William D. Douthitt, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Liddie and Margaret Graham as citizens by blood of the Cherokee Nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 31, 1904, and that the Commission's decision rejecting the applications for the enrollment of James, May, Zelma, Roberta, and Rosa Lowe, Osie, Lizzie, Jessie, Ray, and Clyde Jackson as citizens

by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

(SIGNED). T. B. Needles.

Commissioner in Charge.

C OPY .

[redacted], Indian Territory, August 9, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letters of May 31, 1906 (I.T.D. 6186-1906), June 1, 1906 (I.T.D. 6240-1906), October 4, 1905, (I.T.D. 12228-1905), and January 18, 1906 (I.T.D.110-1906, relative to striking from the approved roll of citizens of the Cherokee Nation the names of 286 persons who are shown to have died prior to September 1, 1902, there are enclosed herewith affidavits as to the death of certain of said persons. The number of the enrollment card on which these persons are listed, the number opposite which they appear on the approved partial roll of Cherokee citizens, and their names are as follows:

Cherokees by blood.

Card No.	Roll No.	Name.
2440	6249	Winnie M. Williams
2442	6285	Miram R. Williams
4261	10259	Reuben R. Tyner
4261	10263	Mew Wallce Tyner
4287	10318	Susie E. Gifford
4287	10319	William A. Gafford
4336	10387	Hooley Crawford
4344	10408	Frank Tiblow
4347	10414	Robert Ellis
4385	10481	Cloid R. Dawson

Card No.	Roll No.	Name.
4392	10494	Clarence B. Walker
4406	10510	Mary Thornton
4434	10480	Frank Brown
4736	11307	George W. Lasley
4749	11286	Minnie Ward
4886	11464	Jesse Lowther
4935	11797	Mark Murray
4944	11872	Minnie F. Jackson
5083	9878	Elmer McCoy
5135	12306	Katie Gilk
5172	12480	Rosa Cary
5202	12477	Robert M. Adair
5250	24108	Betty Victory
5289	12678	Norman L. Foreman
5341	12764	Jess McClain
5364	12861	Elizabeth Ward
5392	12907	Felix Quinton
5425	12988	Willey V. Miner
5457	13056	Annie C. Lemoir
5676	13441	Susie Pigeon
7241	17221	Joseph Johnson
9754	21921	Wallace A. Coast
9784	21968	Pearl Pelsen
10284	29295	Richard R. Jordan
10767	21876	Clide Morgan

Cherokee Freedmen.

Card No.	Roll No.	Name.
476	1213	Fannie Roach
911	2207	Cora Foreman
911	2209	Harrison Foreman Jr.

The Department's instructions of June 1, 1908 (I.T.D. 6240-1908), and October 4, 1908 (I.T.D. 12228-1908), as to the proceedings to be taken with reference to these persons have been complied with. Notice, under date of March 1, 1906, of the information received as to the date of the death of the

above named persons was given by publication for four consecutive issues in "The Cherokee Advocate" and "The Claremore Messenger", both weekly newspapers of general circulation, the former published in the Cherokee Nation at Tahlequah, Indian Territory, and the latter published at Claremore, Indian Territory, in the Recording District in which the above named persons are shown to have resided at the time of their death. The first issue of this publication in "The Cherokee Advocate" was on March 3, 1906, and the first issue in "The Claremore Messenger" was on March 2, 1906. Attention was called to Section 22 of the Act of Congress approved July 1, 1902 (32 Stat., 716), and notice given to the heirs of the persons named, the administrators of their estates, or any other person having any interest in the estates of the decedents that the Commissioner would, at the expiration of sixty days from the date of the notice, recommend to the Secretary of the Interior the cancellation of the enrollment of said persons as citizens of the Cherokee Nation, unless conclusive evidence was presented to the effect that said persons were living September 1, 1902.

In addition to this notice a letter was on May 1, 1906, addressed to each of the above named persons, or his heirs, at his last known postoffice advising the information received, the law with reference to the making of the roll of

citizens of the Cherokee Nation, and that unless conclusive evidence was presented within thirty days from date to the effect that the decedent was living September 1, 1902, the Commissioner would recommend to the Secretary of the Interior the cancellation of the enrollment of said person as a citizen of the Cherokee Nation.

No information having been received that any one of the above named persons was living September 1, 1902, it is respectfully recommended that their names by stricken from the approved partial roll of citizens and freedmen of the Cherokee Nation in the possession of the Department and the Commissioner of Indian Affairs, that this office be authorized to strike their names from the copies of the approved partial roll in its possession; and that the applications for their enrollment as citizens of the Cherokee Nation be dismissed.

Respectfully,

Encl.H.J.-218
E.E.C.

Commissioner.

Through the

Commissioner of Indian Affairs.

CHEROKEE 10766

Laverna v. Fishback et al.

For record in this case,
see Cherokee # 343.

Cher 10767
Florence Morgan
Trans. from D737

Cher 10767

COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 31 1906

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Claremore, I.T. October 29th, A.D. 1900.

IN THE MATTER OF THE APPLICATION OF ELBERT L. MORGAN FOR THE ENROLLMENT OF HIS WIFE AND ONE CHILD AS CHEROKEE CITIZENS.

The said Elbert L. Morgan being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Elbert L. Morgan.
Q How old are you? A Twenty-five.
Q What is your post office? A Dawson.
Q Do you live in Cooweescoowee District? A Yes, sir.
Q Do you want to enroll yourself and family? A My wife is enrolled under her maiden name, and I want to enroll her.
Q Do you want to apply for your own enrollment? A No, sir.
Q You want to correct the enrollment of your wife? A Yes, sir.
Q Have you got any children? A I have getone.
Q Your wife was enrolled under what name? A Florence Flourney.
Q Is your wife Florence the same person who was enrolled by her step father Henry T. Flourney? A He gave in her name wrong at that time. I wasn,t here.
Q She is seventeen years old? A Yes, sir.
Q How when did she marry you? A December 20th, 1898.
Q Have you a certificate of marriage? A Yes, sir.
THE COMMISSIONER: The applicant presents a certificate issued by the Clerk of the United States Court, Northern District of the Indian Territory, December 17th, 1898, authorizing his marriage as stated, and he and his wife were united in marriage on the 20th of the same month and in the same year by the Rev. R. J. Booth. This is filed herewith.
Q How give me the name of this child.
A Clide.
Q That child was born the 1st of December 1899? A Yes, sir.
Q wow, how old is your wife Florence? A She is se venteen.
Q Give me the name of her father. A Jim Flourney.
Q Is he dead? A Yes, sir.
Q Was he a Cherokee? A He was an adopted Cherokee is all.
Q He was a white man? A Yes, sir.
Q How long has he been dead? A I tink he died in 1895. I am not positive. I wasn,t acquainted with him.
Q Giveme the name of your wife's mother. A Kittie Flourney.
Q Is she dead? A No, sir; she is living.
Q Is she a Cherokee? A Yes, sir.
Q Is she a Flourney now? A No, sir; she is a Richardson now.
Q She is now the wife of Henry T. Richardson? A Yes, sir.
Q Who applied a few days ago? A Yes, sir.
Q How long has your wife lived in the Cherokee Nation? A Why, I don't know. She was quite small.
Q She has lived here as much as ten years or more, has she? A Yes, sir; I think theywas enrolled in 1884.
Q How did your wife's mother get to be a Cherokee citizen? A She got it by blood, I suppose.
Q Who recognized it? A I don,t know.
Q Did she ever apply to the Dawes Commission for Citizenship? A Yes, sir; I think so. I don't know very much about it.

Q Have you any certificate of her having been admitted at any time by any Cherokee authorities? A No sir; I have not. They was all presented here the other day. I have not anything at all. Richardson presented them the other day.

Q What was the name of your wife's mother before she was a Flourney? A I don't know.

Q Wasn't she a Dawson? A I don't know sir.

THE COMMISSIONER: It is stated in the testimony in the case of Henry T. Richardson for the enrollment of himself, his wife, children and step-children, (D 715) that his present wife, who is the mother of the applicant's wife, is shown by an official copy of an act of the Cherokee Council approved December 1st, 1894, to have been admitted with her family to all the rights and privileges of citizenship in the Cherokee Nation.

Q How long has your wife lived in the Cherokee Nation? A I don't know. I never heard them say anything about it.

Q Did you know her several years before you married her? A Three years is all.

Q You have known her then for the last five years? A Yes, sir.

Q She has been living here all the time? A Yes, sir.

THE COMMISSIONER: It is further stated in the case just referred to that the wife of the mother of the applicant's wife was a party to an application made to the Dawes Commission for admission in 1896, no record of which is found at this time or was found at that time, and the present husband of the mother of the applicant's wife stated that the Commission reported that his wife and her family had been enrolled. The records verifying this statement are not accessible at the present time.

THE COMMISSIONER: The applicant applies for the enrollment of his wife and one child. He is a white man and was married to late for enrollment. He makes no application for himself. His wife is shown to have been erroneously enrolled by her step-father under the name of Flourney on Card D. 715. An order will be made cancelling that enrollment and this enrollment will take its place.

It is shown by the testimony that the applicant's mother was admitted to citizenship in 1894, and certain alleged proceedings before the Dawes Commission in 1896 require yet to be investigated. The applicant states that his wife has lived in the Cherokee Nation for five years to his personal knowledge, and he thinks she has lived here since she was a child, some ten years. She is not identified on either the roll of 1894 or 1896. At present she will be classed as a Cherokee by blood and placed upon a doubtful card for further consideration. When the Commission is supplied with a certificate of the birth of the child this child also will be placed upon a doubtful card as a Cherokee by blood. The marriage license and certificate are filed herewith.

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The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 30th day of October 1900.

Commissioner.

DEPARTMENT OF THE
INTERIOR
FILED
OCT 1 1923

COOWEESCOOWEE
Statement of Applicant for Enrollment.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 29 1900 1900.

Name Lawson D. T.

District Year Page No.

Citizen by blood Mother's citizenship Doubtful

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Florence Morgan nee Flournoy.

District Year Page No.

Citizen by blood Mother's citizenship Jas. Flournoy — c — d

Intermarried citizen Kittie Richards — c — d

Married under what law Date of marriage

License Filed OCT 29 1900 Certificate Filed OCT 29 1900

Names of Children:

2 Clyde Morgan Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Doubtful

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

2 Applications for enrollment

FILED

JAN 25 1900

Jas. A. Whitten

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
Northern District. } ss

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 10 day of Jan 189 , at M., and duly recorded in Book , Marriage Records, Page 384

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 26 day of Jan A. D. 189

Jas. A. Winston Clerk.

By Deputy

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
RECEIVED
JUL 29 1900

FILED
JAN 26 1900

MARRIAGE LICENSE

No 1433

United States of America,
INDIAN TERRITORY,
Northern District. } ss

To Any Person Authorized by Law to Solemnize Marriage---Greeting:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. C. L. Morgan of Dawson, in the Indian Territory, aged 23 years, and Miss D. F. Flournoy, of Dawson, in the Indian Territory, aged 16 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Muscogee, Indian Territory, this 17th day of December, A.D. 1898.

Clerk of the U.S. Court.

By Deputy.

FILED

CERTIFICATE OF MARRIAGE.

United States of America,
INDIAN TERRITORY,
Northern District } ss

[redacted]

I, [illegible], a Minister of the Gospel, DO HEREBY CERTIFY, that on the 20 day of December A.D. 1898, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this [illegible] day of December A.D. 1898.

My credentials are recorded in the office of the Clerk of the United States [illegible] Indian Territory, Northern District, Book 13 Page 25.

[illegible]
A Minister of the Gospel.

NOTICE—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States [illegible] Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to obtain the license may be liable to the payment of One Hundred Dollars fine, &c.

COMMISSIONERS
HENRY L. DAWES
JAMES B. ...
THOMAS B. ...
...

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

...

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of ... for enrollment as [redacted] of the Cherokee Nation.

...

...

No. ...

AFFIDAVIT

UNITED STATES OF AMERICA,

NORTHERN DISTRICT OF TEXAS

In the matter of the application of

for enrollment and Choctaw Freedman

I,

of Fort Gage, being duly sworn on

day of A. D. 1900, he registered

to

Choctaw

Indian Territory, a notice of which is attached to this affidavit, and he thereto

attaches the receipt of the Postmaster at Indian Territory,

and that on the day of 1900, he received the return

card which is hereto attached signed by the said showing

that he had received said letter.

Subscribed and sworn to before me on this the day of A. D. 1900.

Notary Public

C D. 737

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of .....A. D. 190..

Given under my hand this..... day of.....A. D. 190...

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ..... day of ....., 190 .

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190

.....

Subscribed and sworn to before me this .....

Notary Public.

D 737

FILED
MAR 15 1902

NOTICE!

To [illegible] Postoffice [illegible] Indian Territory.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of [illegible], Indian Territory on the [illegible] day of [illegible], 19[illegible], or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible] day of [illegible], 19[illegible].

Attorneys for the Cherokee Nation.

COPY.

Cherokee B-324.

Muskogee, Indian Territory, February 25, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, together with the Commission's decision in said case, and the protest of the Cherokee Nation against said decision, dated February 6, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,
(Signed) TAMS BIXBY,
Chairman.

COPY.

Cherokee D-324--

Muskogee, Indian Territory, January 24, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Nate Dawson, Robert Dawson, Albert E. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, Lay Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Berman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Ona Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Doyle, James E. Bogle, Edna N. Bogle, John R. Bogle, Marvin B. Bogle,

Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Dora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Willis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert N. Dawson, Elbert E. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie L. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John T. Graham, Edna L. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene T. Woolley, Wilburn E. Woolley,

Kittie Richardson, Edgar Flourney, Walter Flourney, Alice Flourney, Laura Flourney, Oscar Flourney, Claude Flourney, Edna Flourney, Flavia T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John F. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Fannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

(Signed) JAMES BIXBY,

Acting Chairman.

Enc. M-130.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

A. S. McKennon,

Attorney for Francis M. Dawson, et al.,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting the applications for the enrollment of Francis M., Lula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Francis M. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. F. Atkins, John W., Albert M., Ralph M., Alford, Samuel R., August, Nate and Robert Dawson, Katie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, John, Robert E., Iola E., Lemuel M., Rosa E., Charles B., Hattie J., Jennings E., James U., Vergal C., Thomas P., Mariee J., Orle M., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Harmon, Toshie A. Jackson, Fannie, Birtie E. and Myrtle Lenox, Missouri, Tempa V., Robert S., Gideon, John W., Julius E., Francis M., Mary E., Jesse M., Gracie ... and Florence M. Graham, Laverna A., Ada E., Eva P., John W., Ray D., Roberta A., and

Roy V. Painter, Florence P., Myrtle and Claude Bradshaw, Joe E., William C., John F., Edna L. and Robert Lee Graham, Joe Willie Neal, James L., Marion, Maggie, Luther and Floyd Graham, Mollie, Nora, Walter, Clara, Ora, James T., and Edna Edith Moore, Richard W. and Ina E. Dawson, Ella L., Nellen J. and William Glenn Spickerman, Hilbert L., Ralph E., Robert L., and William C. Dawson, Zona, Sarah A., Martha A., Claud A., Edgar D., Thomas M. and Virgil V. Patterson, Joseph R., Clarence E., Council J., Elmer A., Cleo, Rufus T., Edgar, Wilborn, James R., Vinnie L., Ermine C., Edwin C. and Ancil F. Dawson, Etta Brauer, Kitty, Delia F., Finis T. and Jasper Cecil Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy, Texanna, Irene W. and Wilburn E. Woolley, Laverna A., William A. and Annie B. Fishback, Lula P., Curtis, Morris O. and Roy Weddle, Florence, Clide and Alice A. Morgan, John E. Fishback, Edna, Roby and Charley Mabry and William D. Douthitt, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Liddie and Margaret Graham as citizens by blood of the Cherokee Nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 31, 1904, and that the Commission's decision rejecting the applications for the enrollment of James, May, Zelma, Roberta, and Rosa Lowe, Osie, Lizzie, Jessie, Ray, and Clyde Jackson as citizens

by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

SIGNED: T. B. Needles.

Commissioner in Charge.

Tahlequah, Indian Territory. June 2, 1904.

Florence Morgan,

Dawson, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of May 21, asking if your child, Clyde, who died in November, 1900, is entitled to an allotment in the Cherokee Nation.

In reply there is quoted section 31 of the recent Cherokee Agreement, which seems to answer your inquiry:

> "Provided, That no allotment of land or other tribal property shall be made to any person, or to the heirs of any person, whose name is on said roll and who died prior to the first day of September, nineteen hundred and two. The right of such person to any interest in the lands or other tribal property shall be deemed to have become extinguished and to have passed to the tribe in general upon his death before said date, and any person or persons who may conceal the death of anyone on said roll as aforesaid for the purpose of profiting by said concealment, and who shall knowingly receive any portion of any land or other tribal property or of the proceeds so arising from any allotment prohibited by this section, shall be deemed guilty of a felony, and shall be proceeded against as may be provided in other cases of felony, and the penalty for this offense shall be confinement at hard labor for a period of not less than one year nor more than five years, and in addition thereto a forfeiture to the Cherokee Nation of the lands, other tribal property, and proceeds so obtained."

W. Morgan, 2.

There is enclosed you herewith blank form of death affidavit which you are requested to properly execute and forward to the Commission as early as possible in order that the death of your child may be shown upon the Commission's records.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MBR
Encl R-82

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND
62106--1904.

COPY

August 23, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit a report from the Commissioner to the Five Civilized Tribes, dated August 9, forwarding affidavits as to the deaths of certain persons whose names appear on a partial roll of citizens and freedmen of the Cherokee Nation. Commissioner Bixby refers to Departmental letters of May 21, (I.T.D.6186-1903), June 1(I.T.D.6240-1903), October 4, (I.T.D.12228-1903) and January 18,(I.T.D.110-1904), relative to striking from the approved roll of citizens of the Cherokee Nation the names of 286 persons who are shown to have died prior to September 1, 1902.

Commissioner Bixby reports that the Department's instructions as to the proceeding to be taken with reference to these persons have been complied with, and no information having been received that any one of the persons enumerated in his report were living on September 1, 1902, he recommends that their names be stricken from the approved partial rolls of citizens and freedmen of the Cherokee Nation in the possession

of the Department and this office and that he be authorized to strike their names from the copies of the approved partial rolls in his possession and that the application for their enrollment as citizens of the Cherokee Nation be dismissed.

The affidavits have been examined in this office, and are transmitted herewith, the office concurring in the Commissioner's recommendation.

Very respectfully,

E. M. Leupp

Commissioner.

CTC-LC..

D.C.36132
I.T.D.14714-1906.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

VHR.

L.R.S.

August 29, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

August 9, 1906, you forwarded affidavits as to the deaths of 38 persons whose names appear on the approved rolls of citizens of the Cherokee Nation, and recommended that their names be stricken from the approved rolls of citizens and freedmen of the Cherokee nation in the possession of the Department and the Indian Office, and that you be authorized to strike their names from the copies of the approved rolls in your possession, you having complied with departmental instructions as to the proceedings to be taken with reference to these persons.

Reporting August 23, 1906, the Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department also concurs, and you are authorized to strike the names of said persons from the copies of the approved rolls in your possession, as follows:

Cherokees by blood.

Roll No.	Name.
6249	Winnie M. Williams
6256	Miram M. Williams
10259	Reuben R. Tyner
10263	Lew Wallace Tyner
10316	Susie E. Gifford

Cherokees by blood.

Roll No.	Name.
10319	William A. Gifford
10367	Neeley Crawford
10406	Frank Tiblow
10414	Robert Ellis
10481	Cloid R. Dawson
10494	Clarence B. Walker
10519	Mary Thornton
10620	Frank Brown
11357	George W. Lasley
11388	Moses Ward
11684	Jane Lowther
11797	Mark Murray
11872	Winnie F. Jackson
9575	Elmer McCoy
12306	Katie Silk
12400	Rosa Cary
12477	Robert M. Adair
28108	Betty Victory
12678	Roman L. Foreman
12784	Jess McClain
12841	Elizabeth Ward
12907	Felix Quinton
12985	Willey V. Miser
13058	Annie C. Lenoir
13641	Susie Pigeon
17221	Joseph Johnson
21921	Wallace A. Coast
21988	Pearl Polsen
29295	Richard R. Jordan
31876	Clide Morgan

Cherokee Freedmen.

Roll No.	Name.
1213	Fannie Roach
2207	Cora Foreman
2209	Harrison Foreman Jr.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 inclosure.

Cherokee
10767.

Muskogee, Indian Territory, September 28, 1906.

Florence Morgan,

Dawson, Indian Territory.

Dear Madam:

In connection with the application for the enrollment as a citizen of the Cherokee Nation of your son, Clide Morgan, who is shown to have died prior to September 1, 1902, you are advised that his name was stricken from the approved roll of citizens of the Cherokee Nation and the application for his enrollment dismissed by the Secretary of the Interior August 29, 1906.

Respectfully,

Commissioner.

LMC

To be filed with D. D. 257, Florence Morgan et al.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., SEPTEMBER 27th, 1900.

IN THE MATTER OF THE APPLICATION OF Francis Marion Dawson, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Francis Marion Dawson.
Q What is your age? A I am fifty eight years old.
Q What is your Postoffice? A Oaks.
Q What District do you live in? A Delaware.
Q Who is it you want to have enrolled? A Myself and family.
Q Your wife? A Yes, sir.
Q How many children? A Six.
Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A No, sir; she is a white woman.
Q How long have you lived in the Cherokee Nation? A Since 1883.
Q Were you admitted by the Cherokee Commission? A Yes, sir.

The applicant presents a duly authenticated certificate of admission to citizenship, showing that on the 11th day of January, 1883, certain persons were admitted by the Commission on citizenship, and among them appears the name of F. M. Dawson.

Q That is your name is it? A Yes, sir.

This is recognized as satisfactory evidence of the facts stated.

Q Have you lived in the Cherokee Nation ever since your admission?
A Yes, sir; in Delaware District ever since.
Q Give to the name of your wife? A Katie Dawson.
Q How old is she now? A Forty five.
Q Was she admitted with you? A No, sir.
Q Have you married her according to Cherokee law since your admission? A No, sir.
Q You have not remarried since your admission? A No, sir; it was not necessary.

The applicant presents a duly authenticated marriage license and certificate, showing that he was married to his wife, as stated by him, in 1880, by the Reverend H. W. Overlock, in Carrol County, Arkansas, the license being issued by the Clerk of that County.

These papers are filed herewith.

Q Your wife was not admitted by the Cherokee Commission, when you were? A No, sir.
Q Or at any other time? A No, sir.
Q By act of the Commission or Council? A No, sir: she was placed on the rolls.
Q On the commo rolls? A Yes, sir.
Q Give me the names of your children, please? A Lula.
Q How old? A Seventeen.
Q Next child? A Ray.
Q How old? A Fifteen.
Q Next child? A Jennie Jane.
Q How old? A Fourteen.
Q Next child? A Jacob Levy.
How old? A Ten.
Q Next child? A Ruth A.
Q How old? A He is eight I believe.

Q Next child? A Laura.
Q How old is that child? A She is four years old.
Q Is that all? A Yes, sir: six of them. I have others, but they are not at home.
Q Are they married? A No, sir.
Q Are they over age? A Yes, sir.

1896 Roll, Page 461, 1902, Francis Marion Dawson, Delaware.
1896 Roll, Page 559, 2135, Katie Dawson, Delaware District.
1896 Roll, Page 461, 1903, Lula Dawson, " "
1896 Roll, Page 461, 1904, Ray Dawson, " "
1896 Roll, Page 461, 1905, Josco James Dawson, Delaware Dis't,
1896 Roll, Page 461, 1906, Jacob Levy Dawson, " "
1896 Roll, Page 461, 1907, Hugh A, Donmore Dawson, " "
1896 Roll, Page 461, 1908, Laura Albertie Dawson, " "

Q Is this Lula or Luly? A Luly.
The applicant applies for the enrollment of himself, wife and six children.
Q Were these children all born since you were admitted into the Cherokee Nation? A Yes, sir.

The applicant is shown by the certificate of admission, cited in the testimony, to have been admitted to Cherokee citizenship, by the Commission on Citizenship, January 11th, 1888; he is identified on the roll of 1896, but the representatives of the Cherokee Nation desires to make inquiry into the methods of allotment, and for that reason, the application of the applicants will at present be placed on a "Doubtful Card." He has lived in the Cherokee Nation ever since his admission to citizenship. His wife was married to him under United States law, and was married prior to his admission: she has never been remarried according to Cherokee law. She has lived with him ever since his admission to citizenship, and she is identified on the roll of 1896. The application for her enrollment will be placed on a "Doubtful Card".
Their six children, as enumerated in the testimony are identified on the roll of 1896: They are living at this time, all having been born since his admission (Application for) . These children will be placed with him on a "Doubtful Card". The applicant's marriage to the mother of these children is established by the marriage license and certificate filed herewith. If any additional papers, adverse are developed in this case, he will be given timely notice thereof.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Cravens.

Subscribed and sworn to before me
this 10th day of September, 1900.

(Signed) C. R. Brookinridge,
Commissioner.

BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment :
of F. M. Dawson and others as :
Cherokee citizens. :

Depositions of sundry persons in behalf of the applicants for enrollment mentioned in the title, taken before me, Louis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, at the office of G. B. Denison in the Gray-Halsell building in the town of Vinita, Indian Territory, on Thursday the fourth day of October 1900, between the hours of one and a half o'clock and six o'clock in the afternoon of said day, in accordance with the agreement to take testimony, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

T. F. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

Q State your name, age, residence and occupation?
A T. F. Thompson, 53 years old, I live near Vinita, Cherokee Nation, I. T. I am a farmer.
Q How long have resided in the Cherokee Nation? A All my life.
Q Are you a citizen of the Cherokee Nation as now constituted?
A Yes, sir.
Q Upon what is that citizenship based, blood or otherwise?
A Blood.
Q What, if any official position have you held in the Cherokee Nation, and at what time?
A I was elected to the Cherokee Council in 1870 some odd, I don't remember the exact year, I was also on the Commission Court.
Q Do you remember when that was? A Some time in 1890 or 1891, I think, it may have been earlier.
Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.
Q State, if you remember, how many members of that Commission or Court, there were, and who they were besides yourself?
A There were three, Tehee, Wolf and myself, Tehee was President of the Court.
Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.
Q Did you have a Clerk? A Yes, sir.
Q Do you remember who that was? A D. W. C. Duncan.
Q Do you know whether the members of that Commission beside yourself, are living or dead? A Yes, sir, they are both dead.
Q Can you recollect now what period of time that Commission lasted?
A About two years I think, two sessions, and there was one session each year.
Q Were the sessions of that body held in Tahlequah, open to the public at all times when it was in session?
A Yes, sir.
Q Were the cases coming before that body heard in open session?
A Yes.
Q Witnesses examined orally? A Yes, sir

Q Judgments of the Court or Commission Pronounced in open session?
A In case of decisions I think they sometimes had secret sessions, yes, the judgments of the Commission were pronounced openly.
Q What you intended to convey by you answer to the former question was that after hearing the proof the Commission or Court deliberated in secret session upon the testimony taken before reaching a decision or announcing it? A After hearing all the testimony we went into secret session.
Q I will present you with a paper which the Notary will mark exhibit "A" and a copy of which he will attach to your deposition, and will ask you if with the exception of the certificate of record by M. L. Bragdon, Clerk, and John L. Adair Asst. Ex. Secretary, you recognize it as a paper you have ever seen before?
A I recognise the signature to it, but don't remember the instrument.
Q Which signature on that paper do you recognize? A My own.
Q That signature is in your own handwriting? A Yes, sir.
Q Do you know whether Thomas Tehee, president of the Commission could write in English or not? A No, I don't think he could.
Q How as to Alexander Wolfe, a member of the Commission?
A I don't think he could write either, I don't think either of them ever wrote except by touching the pen.
Q Were you, and are you familiar with the handwriting of D. W. C. Duncan, the Clerk of that Commission?
A Tolerably well, but it has been a long time since I saw any of it.
Q Will you look at the paper again and say whether you recognize his signature attached thereto?
A Yes, that is his signature to the best of my knowledge.
Q Do you preserve any personal recollection of the application before that Commission of F. H. Dawson and other members of the Dawson family, to be admitted as citizens of he Cherokee Nation by the Commission?
A I remember F. H. Dawson and his brother, that is about the only ones I remember.
Q The question was not as to the personal recollection of the individuals, but as to the claim being presented by the Dawsons for admission?
A Yes, there was such a claim before the Commission.
Q Can you state as to the citizenship of Thomas Tehee, whether he was a citizen of the Nation by blood or not?
A Yes, sir, he was always recognized as such, full blood besides.
Q What is your knowledge of Alexander Wolfe?
A About the same, he was also a full blood and recognized as a Cherokee.
Q Judge Thompson, if you possessed or had, or have now any knowledge of any corruption or bribery of the court or Commission, or any member of it by F. H. Dawson or any of the Dawson family or anybody connected with the presentation of their claim for citizenship, state it fully?
A None whatever as far as I was concerned, and I don't think there was by the balance of the Court.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q Do you mean to say Mr. Thompson that your name attached to the certificate shown you is in your handwriting?
A Yes, sir.
Q When Mr. Duncan certified that this is a transcript of the decision in the case, he is mistaken, that is the original?
A No, I don't know, that may be the original, if that is not the original I did not sign it, if it is the original I signed it.
Q You state that the witnesses were examined orally before the Court, don't you know that in almost every case you took ex parte

affidavits of witnesses when these witnesses were not present?
A I think we ruled experts evidence out, as well as I remember.
Q Did you have any stenographer or anybody to copy the evidence?
Mr. Duncan did all of the copying.
Q Was the evidence copied and preserved?
A Yes, sir, I think it was.
Q What was done with that evidence, where was any of it ever put?
A I suppose it is at Tahlequah in the office of the Treasurer or Secretary.
Q When you went into secret session did you have Mr. Duncan read that evidence to you?
A Yes, sir, we went over the evidence thoroughly.
Q Did you allow the applicants or their attorneys admission to any of your secret sessions?
No, sir.
Q When you got ready to render your decisions did you then send for the applicants or their attorneys?
A No, sir.
Q And you rendered them in secret also, did you? A Yes, sir.
Q Have you any recollection who testified in the Dawson case, as to their claim? A No, sir, I have not.
Q Have you any recollection as to who they claimed their Cherokee ancestors were? A Yes, sir, they claimed the Rogers.
Q Did they claim relationship with any of the present families of Rogers residing in the Cherokee Nation?

The applicant objects to this question as tending to elicit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.

A I don't know that they did, particularly.
Q How would your court determine when they claimed descent through some Rogers family, that that family was of Cherokee blood?

The applicant objects to the question upon the same grounds as their objection to the previous question.

A By the evidence they produced.
Q Didn't you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were citizens thereof? A Yes.
Q Who was the attorney for the Dawsons? A Old man Houston Benge.
Q Could either Tehee or Wolfe speak English? A They could understand, but they never spoke English, they had an interpreter.
Q Did you ever talk to either of them as to whether they got anything for deciding this case? A No, sir.
Q How long were you considering the case altogether?
A I could not say as to that, I think we were on it two or three weeks anyhow, I could not say positively now, they were a long time getting in testimony.
Q There were only two or three witnesses examined all told, were there not?
A I think so, three I think, they had quite a lot of affidavits, but we did not consider them.
Q Well the Court was a good while arriving at its conclusion after the evidence was closed?
A Yes, quite a good while, I don't remember the exact time.

RE-DIRECT EXAMINATION:

Q Do you remember who the interpreter the Commission had during the hearing of the Dawson case.
A His name was Benge, I forgot his given name.

Q Do you know whether he is living or dead?
A I don't know, he seemed to be in bad health at the time we had the case up, I think they are all dead but me and Mr. Duncan.
Q What was he, a Cherokee by blood?
A He was considered a Cherokee by blood.
Q Do you know where he lived at that time?
A No, sir, he lived in the South part of the Nation though, I think in Sequoyah.

(Signed) T. F. Thompson.

Copy of Ex. "A" to T. F. Thompson's testimony.

CERTIFICATE OF RECORD.

United States of America,
Indian Territory,
Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, her by certify that the instrument hereto attached was filed for record in my office the 9 day of March, A. D. 1893, at 10-30 o'clock A. M. and duly recorded in book C. Micl Record Mortg. & Liens, page 338,

Witness my hand and seal of said court at Muscogee, in said Territory this 16 day of March, A. D. 1893.

(SEAL)

M. L. Bragdon,

Clerk.

Transcript to which this is attached, endorsed on back as follows:

"No. 108, Robt. Dawson et al, VS the Cherokee Nation, Transcript of Judgment, Filed Mar. 9, 1893 10-30 A. M. Marshall L. Bragdon, Clerk.,

OFFICE OF COMMISSION ON CITIZENSHIP,
TAHLEQUAH, CHEROKEE NATION, JANUARY 11th, 1883.

Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly
No. 108 Dawson, Wilbron Dawson, James Dawson, Rial Dawson,
VS,
The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1883, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship, that the claimants, Rob't Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson. Molly Dawson, Wilbron Dawson, James Dawson, and Rial Dawson, are Cherokees by blood; and that they are entitled to all the rights and priviliges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they should be, and they are hereby

admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. W. C. Duncan, Clerk of Commission.) Thomas Tehee, President of Com. Alex Wolf, T. F. Thompson,) Commissioners.

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears of the record in my office.

D. W. C. Duncan,
January 11th, 1883. Clerk of Commission.

Executive Department,
Tahlequah, Cherokee Nation,
January 11th, 1883,

I hereby certify that the within named Commission on Citizenship, composed of Thomas Tehee, President, Alex Wolf and T. F. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and Commissioned Commission on Citizenship, and that their actions as such are legal and binding.

Witness my hand the

Witness my hand and the seal of the Cherokee Nation, on the date above written.

John L. Adair,
Asst. Ex. Secretary.

United States of America,
Indian Territory,
Northern District,

I, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. F. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. F. Thompson, L. T. M. - N. P. Oct. 4, 1900." The foregoing copy having been carefully compared by me with the said original.

Given under my hand and seal of office as such Notary Public, this 4th day of October, A. D. 1900.

(SEAL) (Signed) Lewis T. Martin.

Notary Public.

My commission expires Feb 3rd, 1902.,

D. W. C. Duncan being produced by the applicants after being sworn to testify to the truth, the whole truth and nothing but the truth testified as follows:

DIRECT EXAMINATION BY C. E. DENISON:

Q Please state your name, age, residence and occupation?
A My name is D. W. C. Duncan, my age is 70 years, my residence is Vinita, Indian Territory, my occupation is a farmer.
Q How long has that been your place of residence? A Since 1874.
Q Are you a member of the Cherokee Nation as it is now constituted?
A Yes, sir.
Q Upon what is your citizenship based, a Cherokee by blood?
A Yes, a Cherokee by blood.
Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?
A About that time I held the position of Clerk of the Citizenship Court or Commission.
Q If you remember the names of themembers of that Commission or Court, please give them?
A The President of the Commission was Tehee I believe, and a member by the name of Wolfe whose first name I do not recollect, and Mr. Thompson here.
Q T. F. Thompson?
A Yes.
Q Do you know whether those three members of that Commission were recognized citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?
A They were supposed to be citizens of the Cherokee Nation and their citizenship was based upon their blood.
Q Will you please look at the paper now handed you which the Notary has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will attach to Mr. Thompson's depositions, and state whether with the exception of the certificate of H. L. Dreadon, Clerk, and of John L. Adair Asst. Ex. Secretary, you recognize the paper as one you have ever seen before?
A Yes, I think I have seen this before.
Q When, and where, if you remember, did you first see that paper?
A This is a paper I drew up at the time I was acting as clerk of the said Citizenship Court.
Q Looking at its date, was it drawn at you at the time it bears date?
A To the best of my recollection it was drawn at the date specified.
Q Do you recognize the signature to the certificate attached to that paper?
A Yes, that is my signature.
Q State if you know, in whose handwriting the body of the paper is?
A It is in my handwriting.
Q And at that time you were Clerk of that Commission? A Yes.
Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and state if you can, by whom they were written?
A I think the first two is my handwriting, the last I recognize that as T. F. Thompson's.
Q Explain please, how you came to write the signatures of Thomas Tehee and Alex Wolfe to that paper?
A Thomas Tehee and Alex Wolfe were full bloods and could not write, and in their presence, and at their request I wrote their signatures.

Q Was that the usual manner of certifying to the action of the Commission to applicants as to the decision of their application for citizenship, where admitted?
A In all instances where it was necessary for the Court to sign a paper of any kind it was adopted by that Court for the Clerk to sign Tehee's and Wolf's names and T. F. Thompson to sign his own name.
Q You didn't catch exactly my idea, but perhaps that answered it, what I intended to call you attention to, was whether when applicants had been admitted to citizenship a paper of this kind now shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?
A My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was entered upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.
Q If you had any knowledge at the time the application of the Dawson family, F. M. and others whose names are mentioned in that paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. M. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?
A I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind is what has originated recently, since the enrollment business has been inaugurated.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q If as you certify, this paper was a transcript of the record, why did you have the judges sign it?
A I know no reason further than that was the practice at that time, the members of the Court being present I presume it was thought it would be as good or better than the signature of the Clerk.
Q Examine that signature of Mr. Thompson, examine the first T in his name and the T in Tehee's name and see if it is not all your own handwriting?
A No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accidant.
Q How was the evidence taken in those cases?
A It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q Do you know whether that evidence is in existance or not?
A I do not, the last I saw of it was when I turned the records over to the Executive office at Tahlequah, and I have not seen it since.
Q You say you never heard any talk about this being an improper case until very recently?
A Well, that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can safely say that did not.

Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross-examination.

A They claimed their right of citizenship through a man by the name of Rogers, I don't recollect his first name.
Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?
A I do.

(Signed) D. W. C. Duncan.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do certify that the foregoing depositions of T. F. Thompson and D. W. C. Duncan were taken before me at the time and place and in the action mentioned in the caption, and said T. F. Thompson and D. W. C. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence; the claimants being present in person and by their attorney C. B. Denison, and the Cherokee Nation being represented by W. T. Hutchings Esquire its attorney,.

Given under my hand this 4th day of October, A. D. 1900.
(SEAL)

(Signed) Lewis T. Martin.

Notary Public.
My commission expires 2/3/1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1902.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation,. He being sworn and examined by the Commission, testified as follows:

Q What is your name? A Francis Marion Dawson.
Q How old are you? A Soon will be sixth years old.
Q What is your postoffice address? A Afton now, it used to be Oseuma.
Q What was the name of your wife? A My first wife was Julia Ann Howard.
Q She was a white woman? A Yes, sir.
Q When were you married to her? A I think it was the 8th of January, 1884.
Q Where were you living at that time? A In Arkansas.
Q Who married you? A A man by the name of Dave Sturdy.
Q Was he a preacher? A Yes, sir.
Q A Minister of the Gospel? A Yes, sir.
Q Did you and she live together as husband and wife up to the time of her death? A Yes, sir.
Q Did you have any children by her? A Yes, sir.
Q What are their names? A Willie R. Dawson.
Q The next one? A Francis Marion Dawson Jr.
Q The next one? A Johnnie.
Q The next child? A Elizabeth.
Q The next one? A Arizona Allred.
Q Those are all the children you had by your first wife? A Yes, sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Joseph R. Dawson.
Q How old are you? A I will be 51 the 18th day of June.
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes, sir.
Q How are you related to him? A Brother.
Q Did you know his former wife, Julia? A Yes, sir.
Q Is she living or dead? A She is dead.
Q Was she a Cherokee or white woman? A I couldn't say what; She they married in the states.
Q Do you know when he was married to her? A Yes, sir.
Q When was it? A About the close of the war.
Q Who married them? A Parson Sturdy.
Q Were you present when they were married? A Yes, sir.
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes, sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:
Q What is your name? A John K. Stevens.
Q How old are you? A 56 years old.
Q What is your postoffice address? A Afton.
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes, sir, as we call him, Bud Dawson.
Q How long have you known him? A My first acquaintance with him was in '61.
Q Did you know his first wife, Julia? A Yes, sir.

Q Do you know whether or not they were married? A Yes, sir, they were married.
Q Were you present at the marriage? A No, I wasn't present at the marriage.
Q Did you see them soon after their marriage? A Yes, sir.
Q Did you continue to know them for any length of time afterwards? I knowed them as long as she lived.
Q During the time you knew them did they live together as husband and wife? A Yes, sir.
Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following Cherokee cases:
Arizena Allred et al D-535, John Dawson, D-580, William R. Dawson D-581, Lizzie Dawson D-584 and Francis M. Dawson Jr. D-588.

—o—

I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) E. C. Rothenberger.

Supl.-C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 17, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS M. DAWSON, ET AL., as citizens of the Cherokee Nation:

The case having been set for final hearing March 17, 1902, the following proceedings were had:

APPEARANCES:
Mr. A. S. McKennon, of counsel for applicants;
Mr. W. T. Hutchings, of counsel for Cherokee Nation.

Mr. Hutchings: Comes now the Nation on the calling of this case and announces that it is ready for trial, provided permission is given to hereafter examine before the Commission, either at this place or Fort Gibson, the witness S. H. Benge, who has been regularly summoned to attend at this day and time but who is too sick to travel at this time and probably will be for some time to come. As evidence of a good faith of the Nation we hereby present an affidavit of the facts sought to be proven by the said Benge. If the applicant's counsel are willing to concede that the witness if present would testify to the facts herein set forth, the Nation is ready to proceed to trial without reservation of any kind. If they are not it desires to reserve this privilege of hereafter, either tomorrow or otherwise, this case being set for to-day and tomorrow, of examining before the Commission, or its authorized officer, this witness as above set forth.

Mr. McKennon: Applicants object to the introduction of the paper presented and do not admit that the witness, Samuel H. Benge if present would testify to the facts therein stated. They consent and desire that the testimony of said Benge be taken before the Commission at its office in Muskogee but not elsewhere, and protest against it being taken at any other place, with the understanding, however, that when taken we have opportunity to introduce any evidence we may desire in rebuttal.

Mr. Hutchings:
The Nation will pay all the expenses of the opposing Counsel, their client and Commission officers in taking the deposition at Fort Gibson.

Commissioner Breckinridge: The allegations of this witness are material in their character and are quite tangent. The Commission of its own volition would acquire information of that character if it knew of its existance anywhere. While the functions of the Commission, as well known are in many respects judicial, yet it is vested with somewhat complex powers, such as Congress creates from time to time to do business of certain character, and it is ordered to make a correct roll, which is a duty largely independent of hearing simply what is brought before them; it must be the architect and constructor of that roll and if evidence is not brought before before the Commission it must go out and get it, to be uniform on that construction of the law. The Commission, therefore, desires this information independent of any counsel on either side both with respect to the applicant and to the Nation, and if this witness is

is not able to come one of the Commissioners will go to Fort Gibson and to his bed-side, or send a proper official, if necessary to take his testimony. The only matter to consider, therefore, is one of convenience with respect to getting this testimony. Now, I understand that this witness is an extreme sufferer from Bright's Disease he is an old man and he may never be able to get out of the house, and it may be an injustice to him to subject him to a trip here, and therefore it seems to me better that counsel for plaintiff submit to a form of taking a deposition or else accompany an official of this Commission over to Fort Gibson and let his testimony be taken there.

After consultation with the attorneys upon the two sides it is found to be agreeable that the parties start to Fort Gibson to-morrow morning at half past eight o'clock, and it is agreed then and directed with an official of the Commission with a stenographer leave from the office of the Commission for Fort Gibson at 8:30 to-morrow morning.

FRANCIS H. DAWSON, the applicant, re-called for additional cross-examination on part of the Cherokee Nation:

MR. HUTCHINGS:

Q What is your name? A Francis H. Dawson.
Q Where do you reside? A In Afton.
Q You have been examined in this case heretofore, have you?
A I don't know which case it is.
Q In your own case? A Yes, sir.
Q Are you the one that is commonly called Bud Dawson? A Yes, sir.
Q You made the original application in the Dawson family for admission to citizenship in the Cherokee Nation, didn't you? No, sir; my brother.
Q What was his name? A A. E. Dawson.
Q You and Robert Dawson and Elbert Dawson and others applied September 24, '81, about that time? A Yes, sir.
Q And you were admitted about the 11th of January '83? A Yes, sir.
Q There were other members of your family that applied and were admitted after that time? A Yes, sir.
Q Do you or not remember the evidence offered in theirs to substantiate their cases was the relationship between yourself and Robert and others and the evidence of your admission by the Tehlequah Court. In all the subsequent admissions I mean the only evidence offered was the fact that you and your brothers had been admitted before and that they were kin to you; that was the only evidence offered in any subsequent cases, wasn't it; so far as you know?
A That is afterwards?
Q Yes, after wards? A I think there was some other evidence introduced.
Q Don't you know that there was never any evidence of [illegible] in any other case except evidence of Dr. Baker of Arkansas? [illegible], sir.
Q Who else? A Oliver Miller.
Q Who was Oliver Miller; the records in this case have been [illegible] altered and mutilated? A Oliver Miller [illegible].
Q What was he, who was he? A He is [illegible].
Q Well, what station in life did he occupy: [illegible] farmer?
A Yes, sir, farmer.
Q Were you present when he testified? A Yes, sir.
Q Were you present when Dr. Baker testified? A Yes, sir.

Q Have you a fair recollection of the testimony of those two men?
A No, not at all.
Q You don't read do you, Mr. Dawson? A No, sir, I dont read nor write; I can barely write my name.
Q Do you think you would remember the testimony of Dr. Baker if your mind was refreshed on it? A Part of it I think.
Q Were you present when you were admitted? A I was not in the room.
Q You were in Tahlequah at the time? A I was in the town of Tahlequah at the time.
Q I will read this paer to you and desire for you ro say whether or not it was the testimony of Dr. Baker in your case:
(Affidavit of Dr. Arthur Baker read to witness, and asked to be copied in the record later.)
Q Is that the correct transcript of the testimony? A It has been so long ago, I could not say; a part of it is, I could not remember it all.
Q Does that state the facts as to the family history correctly so far as you know about it? A So far as I know.
Q Now, you were a son of what Dawson? A Robert Dawson.
Q How many children did Robert Dawson have, and give me their names?
A Elbert Dawson, the oldest; Lila, Jesper, Francis Marion-
Q That is yourself? A Yes, sir; Elizabeth Dawson, Josephine Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson, Edna Dawson, Mollie Dawson, Wilburn Dawson.
Q Thirteen? (No response.)
Q Now, Rober Dawson's father was whom? A Sam Dawson.
Q Who was Sam Dawson's wife, your grandmother? A I have been told.
Q By family history is all you know? A She was called Polly Dawson.
Q Who was Anna Pruitt? A I don't know.
Q Never heard of anybody in the family by the name of Anna Pruitt? A No, sir, that was away back in the old country; I have heard talk about it, old Dr. Baker talked about it.
Q Your grand-mother's name was Polly Dawson? A Yes, sir; I don't remember seeing her but once, she died when I was small, died in Texas.
Q Pollie Dawson? A Yes, sir.
Q And she was known to be Pollie Rogers, her maiden name? A Yes, sir.
Q Daughter of Captain John Rogers? A Yes, sir.
Q Now, she died in Texas what time? A I don't remember.
Q Can't you guess at it? A Oh, I could guess.
Q Give your best recollection? A About '58 or '59, or no, '46 or '49; I don't say positive, just guessing at it.
Q How old a boy were you then? A I was born in '42.
Q Have you any distinct recollection of her? A No, sir.
Q Have you any recollection of all the children of Sam and Pollie Dawson; that is, your father, uncles and Aunts? I didn't see all of them.
Q Do you know by family history the names of all of them? A Yes, sir.
Q Will you give them to me?
A Betsy Ann Dawson, I believe her name was.
Q Did she marry a Petty? A Yes, sir; the next is Robert Dawson.
Q Your father? A Yes, sir.
Q Next one? A I think the next was James Dawson, and I think the next one was a girl, Edna Dawson.
Q Did he have two daughters? A Yes, sir.
Q Well sir? A The next one was Joe Dawson. I never saw him; Wilburn Dawson.

Q That is Samuel R. Dawson, Riley Dawson? A Yes, sir.
Q Any other one? A That is all I know anything about.
Q Did he have any child by the name of John? A Yes, Jack.
Q Didn't you get Jack misplaced with Joe? A No, it was Joe; I have heard my father speak of him.
Q Then they have seven children? A I never saw them all.
Q How many of them did you ever see? A I saw uncle Riley Dawson and James Dawson and Jack Dawson and Betsy Ann Petty; I don't think I saw but one of Pa's sisters and brothers, they went to Mississippi I think.
Q Do you know what your family history says that the mother of your grandmother, Pollie Hughes' name was? A We have no history.
Q Well, as it was brought down to you; did you ever hear anybody say what your great grandmother's name was? A No, I don't remember.
Q What is that other man, Oliver Millerthat testified in your case? A He testified in James Dawson's case; he never testified in my father's case.
Q Well, didn't anybody testify in your case but Dr. Baker?
A Yes, sir, several other witnesses.
Q Who were they? A I don't remember; my mother got them witnesses around Tahlequah, old people.
Q Were you present? A No, sir.
Q You were only present when Dr. Baker testified? A Yes, sir.
Q Now, do you find any mistakes in Dr. Baker's statement there? A I could not say all of that was correct or not, part of it is correct.
Q What part is correct? A Why about knowing the family over there.
Q Who is Buck Dawson? A My brother.
Q What is his name? A We always called him Buck, it is Elbert, E. Dawson.
Q Who went with you the first time you went up to make application for citizenship do you remember? A With my brother.
Q The first time? A I and my brother in Texas.
Q Which one? A E. Dawson.
Q That is Elbert or Buck? A Yes, sir.
Q You were living in Arkansas? A Yes, sir.
Q And he was living in Texas? A Yes, sir, and another one of little brothers, Dr. Dawson now.
Q Dr. Dawson now? A Yes, sir.
Q What is his name? A James.
Q And you three went there? A Yes, sir.

Mr. McKennon: Applicants by their counsel object to all the statement of the witness relating to the testimony introduced before the Cherokee Citizenship Commission, and the history of the family as detailed by him, because the same is incompetent and irrelevant, and cannot be used for the purpose of impeaching the integrity of the judgment of said Commission, or either of the Commissioners in admitting members of the Dawson family.

Commission: The objection of the Attorney for the applicants to the testimony above will be noted. The same will be filed and noted for what it is worth.

(Attorney for applicants waives examination.)

C. M. TAYLOR, being duly sworn, testified as follows on behalf of the Cherokee Nation:

DIRECT EXAMINATION BY MR. MUTCHLER:

Q State your name? A C. H. Taylor.
Q Where do you reside, Mr. Taylor? A In Hour Gotteyville.
Q Were you an attorney before various citizenship Courts along in '01 to '8" in the Cherokee Nation at Tahlequah? A Yes, sir.
Q Were you attorney for F. M. Dawson commonly known as Bud Dawson? A Yes, sir.
Q Were you present at the taking of testimony in that case? A No, sir: I wasn't present.
Q Do you know who composed the court that decided the case at that time? A Yes, sir.
Q Who were they? A Tom Tehee and Alex Wolfe and Tommy Thompson.
Q Do you know whether or not they were all there when the case was decided? A No, sir, there were only two of them present.
Q Which two? A Tehee and Wolfe.
Q Who was the Clerk of the Court at that time? A Mr. Duncan, D. W. C. Duncan.
Q Do you know what witnesses were used in the case of Bud Dawson? A No, sir; not? I was the attorney in the case and the evidence had already been filed before the Court.
Q When were you made attorney? A I was only called in as an attorney at the— Well, Mr. Duncan came down there, and Mr. Bryant had the case and several other attorneys had the case and he employed me.
Q Did you read the evidence in this case? A No, sir.
Q Did you deliver any money? A Now, I was the attorney in the case and I don't think it would be right for me to make any statement.
Q Now, you have claimed your privilege, I ask that you answer the question? Did Dawson ever hand you any money with the direction to pay it to either member of the Court or the Clerk of the Court, D. W. C. Duncan, and if so state the amount? A I had a heap of trouble over this matter.—

Commission: Just answer the question, Mr. Taylor.

A Being the attorney I don't believe it is right for me to answer that question.

Commission: Do you refuse to answer? A Yes, sir.

Q Did the matter to which you object to testifying occur prior to the rendition of the decision admitting to citizenship or afterwards? (No response)

COMMISSIONER BRECKINRIDGE:

Q Do you desire to reply to the last question? A I don't think it is right; I was attorney in the case.

Mr. Taylor, do you object to answering that question? A Yes, sir.

Q You refuse to answer that question, do you? A I had rather not say or it.

Q Either answer it or say you won't answer it? A I had rather not answer it.

Q Mr. Taylor, you have answered a number of questions down to this point, but it is at this point what you prefer to plead your privilege, as an attorney, do you? A Yes, sir.

Com'r Breckinridge: The matter in regard to these matters is lodged in the United States. The Court is clothed with special power with reference to matters which arise through this commission. Of course the Commission desires and the Government

[illegible] for the sake of a correct roll the fullest information possible, but it is subject to the limitation of law, and it is not for this Commission to decide of the law in any matter of this character with any authority as I understand it at this time, but to report the matter to the United States Court and let the Court pass judgment.

Under Section 31 of the Curtis law as it is commonly called Act of June 28, 1898, the members of the Commission shall in performing all duties required of them by law, have authority to administer oaths, examine witnesses and send for papers and persons, and the court is clothed with authority to enforce obedience. The law having enumerated certain powers goes on to say so far as all others are concerned to enable said Commission to make rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work. Now, the Commission will report the facts to the United States Court and let the Court decide whether or not you are with in your lawful privilege. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what what is commonly considered a matter of privilege--according to an authority referred to by an attorney, but the enforcement of an answer seems clearly to be a matter for the Court to deal with.

Q Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct that you make answer, and if you refuse I shall report the matter to the United States Court; do you refuse? A Yes, sir.
Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer; viz; as to whether Mr. Dawson sent you money to pay to the Court or to any officials of the Court, it seems to come to the question as to whether there was any collusion between you and Mr. Dawson and any member of the Court; now, I understand that you refuse to answer that question upon the grounds that you were Mr. Dawson's attorney? A Yes, sir.
Q Now, I require that you answer that question, do you refuse?
A Yes, sir,
Q I shall also report that refusal to the United States Court as it seems to come under the provision of law, relating to conspiracy between you and Mr. Dawson which apparently considered a privilege matter, and you base your refusal now, not upon the ground that you are incriminating yourself, but that you were counsel for Mr. Dawson. I will report the matter to the Court and you will be informed at the time of any proceedings in the matter I emition you not to talk with Mr. Dawson or may of the applicants in this case.

Mr. McKennon: Applicants do not object and have not objected to the witness answering on account of his privilege as an attorney or for any other cause whatever, they only want to object to the incompetence and irrelevancy of the testimony, with the privilege of cross-examining upon any testimony given by the witness.

COM'R BRECKINRIDGE:
Q You still refuse having the consent of the attorneys in the case to make answer? A I will just ask your Honor to let the matter go over until morning.

Commissioner Breckinridge: It will rest until in the morning at its present status; it is after business hours now.

As for the objection made by Captain McKennon, Counsel for the applicant, it will be taken into consideration, but will not be granted at the present.

(The Commission adjourns until 1:30 P. M. to-morrow afternoon, March 13, 1903.)

Supl.-C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., March 18, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS M. DAWSON ET AL., as citizens of the Cherokee Nation:

Appearances:
Mr. A. S. McKennon, of Counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

SAMUEL H. BENGE, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Samuel H. Benge.
Q Where do you reside? A Fort Gibson.
Q How old are you? A I am 70 years old, going in 71.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; Cherokee by blood.
Q State what official position you have held in the Cherokee Nation and what your general connection with the Nation officially in the last 40 years? A Well, I had several; I have been Sheriff, Councilman, Senator, Delegate to Washington; had a hand in making the treaty of 1866, I am the only one living that signed that treaty; President of the National Council of different tribes of Indians.
Q Were you acquainted with F. M. Dawson, commonly called Bud Dawson? A Yes, sir; I knew him.
Q State you connection with and what you know about his citizenship case before what is known as the Thomas Tehee Citizenship Court? A Mr. Dawson come down, I was living down below here, he come and employed me to tend to his case and we went to Tahlequah, I believe if I ain't mistaken in 1881 and filed his case there; we went several times and continued his case on for the want of evidence, and finally while we was up there we run across one old darkey by the name of Tosh Rogers; we got his testimony and after we got that testimony we concluded that it was sufficient to go into the trial with. Tosh lived here at Fort Gibson, he was a horse trainer down here and stayed here; he claimed that he knew the Rogers and belonged to one of them and after that we thought we had sufficient evidence we submitted our case to the Court for trial, and the Court went to work and rendered a decision against Mr. Dawson. I told Mr. Dawson right there that "our case is dough", just made that remark, and he just made the remark "never mind", and next morning they taken up his case again and they rendered a decision in his favor. I filed no motion nor any evidence at all whatever; I give the case up right there and the decision was then given in his favor, and on our way back from Tahlequah, why we got to talking about the case and I told him: "it was a pretty hard blow when they rendered that decision against us." He said: "yes, but Duncan was the man to reach", but he reached him with five hundred dollars.
Q What position did Duncan occupy? A He was Clerk of the Court.
Q Duncan an educated man or-? Yes, sir; he was an educated man.
Q Who were the members of the Court? A Tom Tehee, Alex Wolfe and Tom Thompson.
Q How many of these could speak English at all? A One.
Q Which one? A Thompson.
Q Who was the Attorney that represented the Nation in those cases? A Thy Sanders.

Q What was his given name? A Wilson Sanders; was it Wilson Sanders?
A Wilson Sanders.
Q Was he an educated man, or could speak English well? A No, sir.
Q Did Mr. Dawson say anything about the matters having cost him a good deal of money? A He said it had cost him a right smart.
Q Was any remark made on the way back about the opening up of the case, and if so, what? A He asked me if I thought the case was ever investigated eventially and I told him I didn't know.

MR. McKENNON:

Q Were you ever a witness in the Dawson case, Judge, in any of those investigations that have been made since that time? A I don't know that you might call it a witness; that young man came to me once at Tahlequah, and asked me to help him up there that the case was going agninst him, him and his mother and all was about knocked out and I interceded and done what I could there before the Committee. I was not a witness but that is what I don't for him.
Q That was Mr. Graham, wasn't it? A Yes, sir.
Q Have you had conversations with Mr. Graham since that time about it? A Now, I might, I don't recollect, I might have had conversations with him.
Q Well, after the Dawes Commission began taking a census of the Cherokees and when they were about Sallisaw down here, did you have a conversation with him here in Fort Gibson about the matter?
A Now, I just can't tell you; I have seen him on several occasions, but the conversations we might have had I can't state.
Q To refresh your memory I will ask you if he did not tell you that they were making a fight on the Dawson family and he wanted to know of you whether that judgment in favor of Robert Dawson's family was fairly rendered, and did you not then tell him that it was all right, that it was fairly obtained? A Not as I recollect of; all he was; that is as I have stated he talked to me in regard to his mother, himself and probably his brothers and sisters, I don't recollect how many there were, but he told me they were rejected, that is just the words he used.
Q When? A It was some time ago.
Q Here in Fort Gibson? A Well, that is I saw him here in Fort Gibson, and then I saw him in Tahlequah.
Q Well, did he here in Fort Gibson ask you particularly about the Robert Dawson judgment, as to whether it was fairly obtained or not?
A No, sir; he was basing his claim on the Dawson case, that is the way he-
Q That is the principal Dawson family? A Yes.
Q When was this other written statement here made, when was this made by you? (referring to affidavit heretofore referred to.)
A Yesterday I reckon.
Q Who came to take this? A Mr. Starr.
Q Who else was present when this was taken? A No, sir.
Q Now had you told about this matter, Judge? A No one as I know of.
Q Do you know how it was that they knew that you know this?
A No, sir.
Q You never made any statement? A Never made any statement that I recollect of except I might have talked with Scales, we used him talked about these cases a good many times; if I ever made a statement it was to Joe Ab Scales.
Q How did Mr. Starr know? A I could not tell you how Mr. Starr knew.

Q He came alone here as a Notary Public? A He came alone here as a Notary Public. All he said when he come, he says "we understand that you know something in regard to these cases", I said " what case," and he went to work and named Shoemake case and Dawson case.
Q And thereupon you made this tatement? A He said he wanted to q..lify me.
Q Are you certain Judge that after the rendition of tht judgment Mr. Dawson came back here to Fort Gibson with you?
A Yes, sir; we was together.
Q Let me ask you if it was not a very cold day when he came here and he went over ahead of you and you went over to Tahlequah the next day or two after he left? A My recollection was he and I went together.
Q And returned here together? A Yes, sir.
Q Did he not leave you there and go back direct to Arkansas?
A No, sir, we came here together. If my memory serves me right, I might be mistaken but then I don't believe I am, he came from Webbers Falls up here to my house, that is according to his statement.
Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.
Q How didthey pay you? A Paid me the money.
Q Who paid it to you? A Dawson there and that fellow, young fellow paid me some.
Q Mr. Graham? A Yes.
Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.
Q I will ask you if Mr. F. M. Dawson h re did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you $50 that they paid you? A No, if I ever got a let..er of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over i Arkansas, but not living down in Texas, I don't know about it.
Q Where did he pay you the money? A Paid it here at home.
Q Before you went out? A He paid me fifty dollars before we [illegible] and when we went up yonder he paid me fifty dollars more; [illegible] ought to know what I got, I got one hundredn dollars.
Q You were acting as his attorney in the case? A Yes, sir.
Q How many judges were there present when the judgment was rendered? A In his case?
Q Yes, sir. A Well, according to my recollect there was all [illegible] if they were not all there, Tom Thompson was sick. [illegible] and Swift.
Q Don't you remember that they were all present? A No, I think they were present though.
Q Who else was present at the time? A Oh, I could not tell you, there were several people in the house; could not tell you at all.
Q Were there several in the house the evening before the judgment was rendered against them as you say? A Yes, there were several in the house.
Q And several in the house when the judgment w. rendered the next day? A I don't know how many there was.
Q Do you remember the names of any of them? A Why not exactly, mostly full bloods.
Q How long didyou remain out at Tahlequah on that trip?
A I guess I was there about three days.

Q Tending to this case alone, or did you have other cases? A no, sir.
Q Do you know of your own knowledge that the judges received any money (this question asked at the instance of Mr. Graham present) A I don't know whether the judges received nay or not.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

March 18, 1902. Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. H. TAYLOR takes the stand and continues his testimony.
BY MR. HUTCHINGS:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today: have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held as in contempt of the Court.
Q You would be held in contempt and the other Court would make you answer? A That being he case of course I would make a statement.
Q Are you acquainted with D. W. C. Duncan, the Clerk of what is known as the Tehee Citizenship Commission Court? A Yes, sir.
Q Did you ever have any conversation with him about letting him know of the different character of cases that would come up before the Court that you knew of, whether they were good ones or bad ones? A No, the only thi g that ever come up in that respect; he asked me if whatever large cases that would come up before the Court to let him know.
Q Did you have any talk with him about the Dawson case during the progress of its trial or before and ever introduced Mr. F. M. Dawson to him, or carry him to him? A I spoke to him when Mr. Dawson came to Tahlequah to see about his case, and he said that he would take the papers over to his room, the Dawson papers.
Q Did you see him again that night? A Yes, sir; after supper I went down to his room.
Q Did he ask you about the Dawsons or Dawson case? A He asked me where Dawson was.
Q Which Dawson are you referring to now, F. M. Dawson, known as Bud Dawson? A Bud Dawson.
Q Well, what didyou reply to him? A I told him that I thought he had gone to church.
Q Did you find Dawson after church? A Yes, sir, he told me to come and bring Dawson down and I did so: Dawson was in church.
Q You carried Dawson to him? A Yes, sir.

Q Did you remain during the conversation? A Only a minute.
Q What was said if anything while you were present? A Mr. Duncan spoke to Mr. Dawson and says "there is a hitch in your evidence."
Q Go ahead and state what else he said? A He said "if that was straightened out it would be all right," and I turned and went away, I says, "gentlemen, I will go home."
Q Did you know of their having any other conversation or communication after that? A No, sir.
Q You left them there together yourself? A Yes, sir.
Q Did Mr. Dawson give you any directions the next morning about submitting the case? A Yes, sir, he asked me to call it up the case.
Q The next morning? A Yes, sir.
Q Had there been any additional evidence offered? A No, sir; there was not additional testimony offered.
Q He told you the next morning to call up the case? A Yes, sir.
Q Was it called up and submitted the next morning? A Yes, sir.
Q Now, how many of the members of the Court were there present that morning? A There were only two, two full-blood Indians.
Q Could they speak english at all? A Tehee could talk a little, talk some.
Q Did that Court have open sessions all the time or what is called executive sessions sometimes? A Well, I don't remember about that; I was generally when the case was submitted the attorneys would go out. The parties would go out and they would determine the case.
Q Well, did they go out into that sort of executive session the next morning on the Dawson case? A Well, we went out when the case was submitted.
Q And was the decision rendered that morning in their favor?
A Yes, sir.
Q Who notified you of the decision of the Court? A Why, Mr. Dawson.
Q Do you remember whether he went out with you or was in there during the consideration of the case? A I think he went out with me.
Q Did you at any time thereafter receive any money, checks or other evidence money from Mr. Dawson with direction to turn it in part over to D. W. C. Duncan, the Clerk of that Court? A Mr. Dawson gave me 20 dollars and said he would send the balance in a short time, said he would send some more money in a short time.
Q Well, did he send any money afterwards? A Yes, sir, in the course of ten days or two weeks he send a hundred dollar check, draft.
Q What did he direct you to do with it? A He directed me to give D. W. C. Duncan half of it.
Q Did you give him half of it? A Yes, sir.
Q Did he send you any at any other time after that? A Well, in the course of a couple of weeks he sent me a hundred dollars more.
Q Did he direct you to turn any of that and if so how much, to D. W. C. Duncan? A He told me to give him half of it,
Q Did you give him half of it? A I did, sir.
Q Do you remember whether on Dr. Arthur Baker was the principal witness in behalf of the Dawson case? A No, sir, I don't because I never had any connection with the case, but I heard that he was a witness in the case.
Q No argument was made when you submitted the case? A No, sir.
Q Just submitted it on the testimony? A Yes, sir.

MR. McKENNON:

Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Were you born and reared in the Cherokee Nation? A No, sir; I was born in the old Nation.

Q When did you come to the Cherokee Nation? A Come here in 1355.
Q How long have you been practicing law in the Cherokee Nation?
A I think since '68.
Q You have done a great deal of citizenship business haven't you?
A Yes, sir.
Q You were in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.
Q Were you convicted there? A Yes, sir; I was convicted there on this very case.
Q And served a term of what length? A I was sent to the jail hospital for sixty days and I stayed in about 38 or 39 days, and I was released.
Q When was that? A I don't remember how long ago it has been.
Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention; Clem Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.
Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the mail for fraudulent purposes.
Q Sending out propositions and obtaining case for citizenship for people [illegible] Cherokee Nation? A No, sir, it was for answering correspon[illegible].
Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went befo e the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.
Q Well, now, was the charge based upon that or was it based upon your letters you sent out to other people? A That was the charge for using the mail for fraudulent purposes.
Q The use of the mails for fraudulent purposes not in connection of this case was it? A Not particular of this case.
Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is what you mean to say? A Yes, sir.
Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.
Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.
Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.
Q Yet when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occured between you and your client, Bud Dawson, in relation to this [illegible] matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.
Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he summoned me and I come down here and I didn't want to make a statement to him but he insisted.
Q He had no power to compel you to make a statement? A No, sir.
Q You could then make it very freely and your conscience did not hurt you, but when you came on the stand you were very conscientious about it? A I didn't want to make a statement at all unless I would be put in jail here if I didn't.
Q But you had armed them with information by which they could ask you these questions when you came on the stand? A I had told Mr. Hastings.

Q You knew when you gave him that information that you would be brought on the stand as a witness, did you not, by reason of that?
A No, I didn't know that I would be compelled to make a statement in the matter, a sworn statement.
Q You thought you would not be compelled to answer?
A I didn't think the law would compel me to make a statement.
Q Why then did you make a statement to him about it? A Oh, he was asking me about it, and I told him that I didn't want to make a statement, and I didn't for quite a while after I came down here.
Q When the enrollment division of the Dawes Commission was in Tahlequah, in the winter of 1900, did you not there meet F. M. Dawson and did you not then and there say to him "I told Shoemake I would be for him if he would employ me in his case and if he didn't I would be against him, and the same to you?" A No, sir; I said to him this: I says that if there is not something done that I will likely be summoned against you and Mr. Shoemake both.
Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it. I was going out of town just as he came in.
Q When you told him if something was not done you would be summoned as a witness against him; what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.
Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?
A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your client to you in one instance, but if a little more money was put up you could not be required to make a statement; is that what you mean? A I didn't think I could be forced to make a statement at all in the matter.
Q Why didyou make that expression to him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I meant if I was employed in the case.
Q If he would put up you would not testify? A That they could not force me to testify.
Q About the month of February, 1901, in the town of Wagoner, Indian Territory, did you not send your son to get Graham to come to the hotel at night, and did you not then and there say to Old Graham; "you people are on the doubtful list and if you will give me $500. I will make it all right and see that you are enrolled and if you don't I will see that you don't get on?" A No, sir; I got a letter from Old Graham in which he asked me to certify that the case was all right and after I met him I told him that I could not do it, that the case was crooked. He then said to me, he says, "I will give you a hundred dollars", he says "will you take a hundred dollars," I said "no, sir." I didn't take that to do that is I didn't set no price with him.
Q You did not say to him then that I was embraced in that question there? A No, sir.
Q You did have a conversation with him about that time and at that place, did you not? A Yes, sir.
Q You say you didn't make any [illegible] any price? A No, sir; he offered me a hundred dollars.
Q Why did you send for him to come to the hotel? A In answer to his letter.

A Did you not [illegible] yesterday morning on the street in Muskogee, Indian Territory, in a conversation with W. H. Shoemake say to him; "You have made a great mistake in not keeping in your employment and so have the Dawsons and it will go hard with you and you will see it"? No, sir; I says to Mr. Shoemake, I says: "Who have you employed in your case," and he says "Judge Thomas and Mr. Owen." I said "It might have been a advantage to you if you had retained me in your matter;" Well, he says "there was nothing wrong in my case" and I says "no, there is nothing wrong on earth in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I says "there is not a thing on earth wrong in your case as I know it came up fairly and squarely and decided in your favor."

Q You said nothing to him about the Dawson case? A Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am summoned on the part of the Nation and I don't want to make a statement and I won't if I can possible avoid it."

Q Was that before or after you talked with Mr. Hastings, the representative of the Nation? A It was afterwards.

Q You meant by that if you had not been asked to answer you would have gone to jail? A No, sir; if they had employed me before hand and I need not now.

Q You mean that if they had employed you before hand you would not have given this information to Mr. Hastings? A I would not be required, being the attorney.

Q Were you required to give him the information; did you know that you had to give him any information? A Who do you mean.

Q Mr. Hastings. A I did refuse him and he insisted.

Q Well, he no authority to compel you to do it? A No, sir; I don't know whether he did or not.

Q As a lawyer you knew that he did not have authority to compel you to make a statement to him? A I told him that I was an attorney in the case and I didn't want to make any statement at all.

Q Why did you do it? A Well, he intimated to me it would go any further. He said to me "I will not make this matter -- I will not use it;" that is, what I stated to him was part in confidence.

Q And he pledged you his word that it would not be used? A Well, told him I could make a statement in confidence, and that I didn't want to make a statement before the Court.

Q Well, what did he reply, as you said just now? A Oh, he says make the statement and then I told him--I regretted very much to do it, and I regret very much to make a statement here. I tried to avoid it yesterday.

Q You stated just now that he said it would not be used; did he say that or not? A Well, something to that amount; oh, he says it wont make any difference or something, to that effect.

Q Now, don't you know that Mr. Hastings did not intimate to you that the statement he was asking you to make would not be used? A Well, I didn't think that I would be forced to make a statement before the Court here, because I thought my license would protect me in that matter.

Q Yet it did not protect you or prevent you from making statement to the attorneys for the Nation? A [illegible]

Q Now, in this conversation with Shoemake to which I have referred did you not ask him to again [illegible] you and tell him that you would make it all right for him? A No, sir; I [illegible] that; no, I said if we had employed me in the [illegible] it would have been better for you." Why, he referred to when I was down the last week, he offered me five dollars to go [illegible] lawyers on the matter, I didn't [illegible].

Q That was not your price? A No, no, I had nothing to say in his case that would be to his advantage; I knew nothing against him.
Q Now, then, you say that your were present on the morning that the judgment was rendered in favor of the Dawsons? A I was not in the Court house.
Q You were present in Tahlequah? A Yes, sir.
Q How long had you been at Tahlequah? A I was living there at that time.
Q When were you first employed by them? A By Dawsons?
Q Yes, sir. A The evening before the case was tried.
Q You say that after the judgment was rendered Dawson handed you $20? A Yes, sir.
Q And told you to send to Duncan? A No, sir.
Q What was your statement? A That he paid me $20 and says "I will send you some more in a short time, week or so.
Q And then he sent you $100? A Yes, sir.
Q And wrote you to give D. W. C. Duncan $50 of it? A Yes, sir.
Q And then sent you another $100 and told you to give him half of it? A Yes, sir.
Q How much did they pay you? A Well, that was the agreement, was that he would pay me $50 a family.
Q How much did he pay you? A I think there was $250; now I am not sure about the $50, but it appears to me like there was a $50 sent, and Mr. Duncan asked me, as well as I remember, says "have you got a letter from Dawson," I told him "yes, sir." It was either that or the $100, and he says "I would like to have some money", and I went to Stapler's and got it changed— I won't be sure about it being $50 or $100—I went to Stapler's and got him to cash the check and give him his part of it.
Q How much did they pay you for your services? A That is all I got.
Q How much? A I think it was $100, $120.
Q What did you do for them? A Didn't do a thing only called up the case and submitted it; never read the evidence.
Q Submitted it without remarks? A Yes, sir.
Q And for that you say they paid you $120? A Yes, sir; $120.
Q Was Houston Benge present when that was done? A No, sir; I don't think he was.
Q Did you see him then at that time in Tahlequah? A I don't remember.
Q Were you associated with him in any manner in connection with the case? A No, sir.
Q You had a great deal of business of that character, have you, before the Courts? A Yes, sir.
Q Were you paid like fees in other cases for like services? A Yes, sir.
Q In many of them? A Yes, sir, good many.
Q All like cases? A Oh, citizenship cases.
Q When was it you were in jail at Fort Smith? A I don't remember; Mr. Lollette can remember, he was there, he was my attorney.
Q Was it about 1883? A It was somewhere along there, along in 1889 somewhere.
Q That has been your principal business as a lawyer, has it not? A Yes, sir.
Q You have never practiced much in any other way have you? A Very little.
Q Were you in the habit of working your cases through in the same manner in which you state you worked this through? A No, sir.

Q This was an exception was it? A I never worked this case through. I simply called the case up by request of Mr. Dawson. I read the evidence; don't know what proof there was in it; he just asked me to call the case up.
Q And he agreed to pay you $50 a family for doing that? A Yes, sir.
Q Was that what you required of him? A That is what he agreed to pay. I says "what will you give?" He says "I will give you $50 a family."

MR. HUTCHINGS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoemake case didn't he? A Yes, sir.
Q And you told him at that time before you knew anything about whether you would be made or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemake case? A Yes, sir; that is what I said.
Q You told him at the same time that you not only expected to claim you privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKennon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strenthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.
Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.
Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.
Q And let the Court decide? A Yes, sir.

MR. McKENNON:

Q Now, have you a license to practice in the United States Courts? A Yes, sir.
Q In the Territory? A Yes, sir.
Q And also in the Indian Courts? A Yes, sir; do you want to see them?

JAMES W. LEWIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your anem please? A J. W. Lewis.
Q James W. Lewis? A Yes, sir.
Q Where is your postoffice, Mr. Lewis? A Afton.
Q How old are you? A 73 years old.
Q What is your business ? A I work at the tin business and guh work.
Q Do you know one James Dawson, the brother of F. M. Dawson and the other Dawsons? A I know old man James Dawson.
Q That is the one I mean, old man James Dawson? A Yes, sir; I know him.
Q How long have you known him? A Well, some four or five years, I guess.
Q How long? A Four or five years I think.

Q When did you come to the country? A I have been in the country 30 odd years.
Q Well, when did he come to the country, do you know? A Along about somewheres in eighty if I recollect right, might have b en later than that.
Q How did you happen to ge acquainted with? A He lived right close by me and I built a house for him.
Q Did you have any conversation with him at the time you built that house? A Yes, several different times.
Q About how he became a citizen of the Cherokee Nation, about the circumstances? A Yes, sir.
Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?
A Well, he told me that it cost him $700 to get his rights.
Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

I.R. McKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewheres near about 70 years old, he might have been older t an that, I don't know.
Q He was a very old and feeble man? A Yes, he was old and feeble.
Q He seldom ever got out away from his house? A No, sir, only short distance.
Q When you first knew him he was that kind of man? A Yes, sir.

J. L. CLINKENBEARD, being duly sworn, testified as follows on part of the Cherokee Nation:

I.R. HUTCHINGS:

Q State your name? A J. L. Clinkenbeard.
Q What is your post office address? A Vinita.
Q How old are you? A 56.
Q Were you ever an applicant for citizenship before the Tehee citizenship Court in Tahlequah? A Yes, sir.
Q About what time was that? A September '81, I think.
Q Did you meet there about that time, one Elbert or Buck Dawson?
A Yes, sir.
Q How did you happen to meet him? A He and I stopped at the same place, man's by the name of Sharbow.
Q You and he stopped there, did you, board t ere? A Yes, sir.
Q Well, did you have any talk about citizenship c ses, yours and his? A
Yes, sir.
Q Where did he state that he was from? A Texas.
Q Well, state that you can remember of the conversation between you from time to time about citizenship in the Cherokee Nation?
A Well, we wer there o the same business and we talked about it at different times, and in talking about the evidence we had there I, of course, told him how many witnesses I had a d what I could prove and so on, and he said that he didn't have but one witness, Dr. Baker from Arkansas, a man that was 85 or 90 years old, he said, and he hadn't come and said he was to have et him there, but he hadn't come.
Q Well, what did he say about the doctor's knowing anything?
A Well, he said e was 85 or 90 years old and didn't now straight up.
Q Well, did he say anything about giving him whisky?
A Well, he said he could give him four drinks of Arkansas whiskey and he would swear that black was white.

Q Did he say anything about if it came would do in Texas or Indian Territory? A Well, in talking about the evidence, he said that money was what made the wheels go down in Texas and he said "I come to get the best of the land" and he says "I found out it goes here," or words to that effect.
Q Did he say what he had to spend on the question? A Well, he said that he could stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.
Q What did he tell you what he thought about the necessity of witnesses anyhow? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.
Q Well, where did he go from there? A He and I left there together; he came to Muskogee by way of Fort Gibson and there we parted.
Q Did you ever see him after that? A I saw him about two years or something like that afterwards.
Q Where? A Vinita.
Q Did you refer to the citizenship matter? A I asked him how he came out and he said all right.
Q Was he deformed in any way this man? A He had a crippled hand or stiff finger; I don't remember just what it was now.

I.R. McKENNON:

Q Your first conversation with him was in '21 was it? A Yes, sir.
Q What time in '21? A September.
Q You were then an applicant for citizenship? A Yes, sir.
Q Were you admitted? A No, sir.
Q You are still an applicant? A No, sir.
Q You are still working to get in as a citizen of the Cherokee Nation? A No, sir; haven't quit it entirely.
Q What business are you in now? A I am running a dairy in Vinita.
Q When did you make these statements now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.
Q How did they ever know that you had had these conversations with Mr. Dawson? A I don't know.
Q You don't know how they found that out? A No, sir.
Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.
Q Now, did you approach him or did he approach you? A He approached me.
Q You know why? A No, sir; I suppose somebody I have told something at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have saw Mr. Hastings for years.
Q Now, you say—now was that expression about his giving Dr. Baker three or four drinks of liquor? A He said the old man; he said that Dr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he didor not; he said he was 85 or 90 years old; he said he didn't know straight up; said he could give him three or four drinks of Arkansas whiskey and he would not know black or white.
Q Now, he said that did he? A Yes, sir.
Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.
Q You say you next saw Dawson at Vinita? A Yes, sir.
Q How long afterwards was that? A About two years, I think something near that.
Q Did he move to the Territory? A Yes, sir. He lived at Vinita at one time.

Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I sent the others to the country.
Q Do you run a dairy wagon there? A No, sir.
Q You serve on the jury a good deal? A I have been serving on the Petit jury there this winter.
Q Generally? No, sir.
Q Are you a kind of a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel and served.

C. C. BRAUGHT, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A C. C. Braught.
Q What is your age? A 62 29th day of last January.
Q What is your post office? A Fairland.
Q How long have you been living in the neighborhood of Fairland?
A Been living there 19 years.
Q Do you know one Bud Dawson or F. H. Dawson as his name is?
A I do.
Q How long have you known him? A About 18 years.
Q How close do you live from him? A Half a mile of him.
Q Does he still own that place? A I think he does.
Q Were you an applicant for citizenship along about '81 or '2 at Tahlequah? A Yes, sir.
Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.
Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the time that you had these conversations as near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to put up; he said it cost him $700 to get in; he said he paid one witness three hundred dollars.
Q Did he state the name of that witness? A No, he did not.
Q Whom did he say he made arrangements with? A He said he made arrangements with the Court; that is, heads of families to get them in at one hundred dollars apiece.
Q Do you know what time of the year tht was, whether it was in the summer or not? A I think it was in June.
Q Did he make any other statements to you at any other time?
A No, sir, I don't think he has in regards to that matter.
Q You have been living neighbors with him? A Yes, sir.
MR. McCENNON:
Q You say this was about June of '83? A I think it was in June, 1883, I won't be positive whether it was June or not.
Q You were an applicant; were you admitted? A No, sir.
Q Have you been admitted? A No, sir.
Q You are still an applicant? A Yes, sir.
Q Still trying to get in? A Yes, sir.
Q Where was this conversation had? A Had at Bud Dawson's house.
Q What part of the premises? that is, in his residence?
A Yes, sir.
Q In the house? A Yes, sir.
Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.
Q Was there more than one room? A I won't be positive but I don't think there was but one room, log house.
Q Just one room? A Yes, sir.

Q And in that room he made this statement to you? A Yes, sir.
Q He and you are enemies are you not? A No, I don't think we are enemies.
Q You are not friendly at all? A Friendly part of the time, and part of the time we ain't.
Q Haven't you had considerable trouble about he lands between your farms? A No, sir; we ain't had any trouble.
Q Didn't you have his little boy arrested recently for a difficulty? A Yes, sir.
Q And you say that you are not on bad terms with him? A Why we speak, have conversation, have right right along all the time.
Q Is it not a fact now that you and he have been all the while at outs? A No, sir.
Q You don't have any unkind feeling towards him? A No, sir.
Q What were your other remarks? A I said no, sir, I didn't have any unkind feeling towards him.

(It being 5 o'clock, the Commission adjourns until 8:30 o'clock to-morrow morning.)

March 19, 1902.
Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of Counsel for Applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. C. BRAUGH, re-called, further testified:

MR. McKENNON:

Q Mr. Braught, you were a claimant under the Watts family are you not? A Yes, sir.
(witness excused.)

CHARLES D. KENNEY, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Charles D. Kenney.
Q What is your post office? A Dawson now.
Q Are you a citizen of the Cherokee Nation? A Yes, sir: supposed to be.
Q Recognized as such are you? A Yes, sir.
Q How old are you? A There is no family record, my parents died when I was young, I just guess at my age, I am somewheres between 44 and 45 years old.
Q Were you personally acquainted with one Elbert or Buck Dawson? A I knew Buck Dawson when I saw him.
Q Did you know him in the state of Texas, if so state what time? A I knew Buck Dawson, knew him and saw him at different dates in Texas.
Q Well, in the year '81 in Clay County, Texas, did you ever see him? A It was in '81 or 82, I think I knew him in both years.
Q Did you ever have any conversation with him in the presence of Bill Smith, Miles Flippin and Joe Pleston about his application for citizenship in the Cherokee Nation? A Mr. Dawson and Flippins were talking in regard to going down there before me one time and

it was mentioned, I was going up on the strip and Buck Dawson says "he an Indian" and Jiles said "yes, he is an Indian", and "By God," I believe is the way he spoke, "if I was an Indian I would not be punching cattle, I would have stock eating my grass."
Q What did he say about making application? A He said he was going to the Chickasaw Nation and prove up and get him some grass.
Q Who was that? A Buck Dawson.
Q Well, did anybody suggest about his going to the Cherokee Nation?
A Yes, sir, I told him, I says "why don't you go to the Cherokee Nation, why don't you go up home" I believe is the way I spoke it, "up amongst God's people;" and he says "are they all white like you?" and Jiles spoke up and says "majority of them."
Q Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow punchers, and Mr. Flippin says "Hell, I am going; brother John is getting ready to go now."
Q Well, then what did he say to you? A He says "Who are your best lawyers up there, Kenney," and I told him "Hooley Bell was counted the brainiest man in our country."
Q Well, do you know whether he claimed to have any Indian blood or what he was claiming in that country, whether white man or Indian?
A No, sir, I could not say what he was; he was generally known down there as Buck Dawson, a citizen of the State of Texas, that is all I know of him.

Mr. McKennon: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKennon:
Q Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Bums County, Texas. B. W. Alberty was my guardian.
Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date.
Q About what time? A It was sometime in '80 though.
Q What tribunal first? A I don't know; I don't know either when I was admitted, I was re-instated at Council.
Q When? A I think it was in '87 of '88.
Q Haven't you been arrested for crime and charged with crime?
A Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande.
Q For what offense? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road.
MR. HASTINGS, of Counsel for Cherokee Nation:
Q Were you ever convicted? A No, sir.
Mr. McKennon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. BABEART, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name, please? A Thomas B. Babeart.
Q What is your post office? A Melvin.
Q What is your age? A 49.
Q Are you a Cherokee by blood? A Yes, sir.

Q Did you know one James Dawson? A Well, yes; I did; I have seen him time or two.
Q Were you in Tahlequah about the time he had an application before the Spears or Snake Puppy Citizenship Court? A Yes, sir; I was there about the time the case was settled.
Q Did you know Aaron Butler? A Yes, sir.
Q Who was he? A He was a Cherokee Interpreter for the Court.
Q Do you know James Smith? A Yes, sir.
Q Who was he? A He was the Nation's attorney before the Court.
Q Well, did you about that time have a conversation with either Aaron Butler of Jim Smith in company with Mr. James Dawson? A Yes.
Q State the full particulars of it? A About that time this man Dawson and Butler come to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.
Q Well, did he say anything about whether he could get his case submitted if he had some money? A Well, from the language to me and Butler, he wanted this money; Smith had agreed to submit the case without further evidence in the matter.
Q Well, did you let him have the ten dollars? A Yes, sir.
Q Where did they go then? A They walked off up towards town.
Q Did they go together, those three? A Yes, sir.

MR. McKENNON:

Q Was that James Dawson, the leading applicant in that case?
A Yes, best of my recollection that was.
Q How old a man was he? A I don't know; I could not tell you; he looked, I don't know, he might have been--could not tell you just about how old he was.
Q Well, about how old was he, 25, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.
Q Is he living or dead? A I don't know.
Q Where have you been living? A I have been living down here near Tahlequah.
Q What was the man's name, Dawson's name? A Jim Dawson I think.
Q You are certain of that? A Yes, sir; I am pretty certain.
Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.
Q Dawson took you off to one side? A Butler took me to where Dawson was and introduced me to Dawson and vouched for Dawson being all right for the money.
Q When did you first make a statement of this matter to anybody?
A I guess--I don't remember when.
Q How long have you been in Muskogee this time?
A I have been here since, I was summoned here last Friday.
Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.
Q When? A Oh, about, first I remember it was been about two years ago, and Butler was talking to me about it; it was at my house.
Q Were you born a citizen? A Yes, sir.
Q You weren't admitted to citizenship by the Courts or Council?
A No, sir.
Q You have been living in the Cherokee Nation all your life?
A Well, I was born and raised here; ; I haven't been here all the time; I have been out and in.

Q You have never seen that man Dawson since? A If I have I have never known it, but I seen him the next day.
Q You saw him and took a good look at him, and know about what kind of man he was? A I saw him around there about several times.
Q You think he was about 35 or 40 years old? A That would be my guess at it, my recollection.

Mr. McKennon: Applicants object to the testimony of this witness, all of it, because it is wholly incompetent and irrelevant.

DELIA A. BREWER, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your full name? A My husband's name was O. P. Brewer, but generally I sign my name Mrs. D. A. Brewer.
Q What was your full maiden name? A Delia A. Vann; well it was really Delilah but I never was called by that name, it was Do altogether in my young days.
Q What was your father's name? A His name was Joseph Vann.
Q Was he called by any nicknames and if so how many, and what?
A None but the Cherokees, the full-bloods called him Joe Aney.
Q What does that name mean when you talk English? A Rich Joe.
Q Did any of them call him Big Joe Vann? A I don't know; he was a large man; larger than the other Joe Vann.
Q There was another Joe Vann? A Yes, sir.
Q Did your father have any sisters and brothers? A He had quite a number of sisters.
Q Did he have a half sister? A Had two half brothers.
Q Did he have a half sister? A Had several half sisters.
Q Who did they marry? A Different persons; I knew the names of all of them but I have a bad memory, but I know that there was one, a Mrs. Ibbie Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.
Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.
Q Never had any Rogers kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.
Q The Dawson case was talked of here for many years, they claiming kin?
A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that my family was prominent enough that they never claimed kin.
Q They never claimed kin at all? A No, sir.
Q Did your father ever had a sister or half sister by the name of Annie, Anna or Alsey? A No, sir.

Mr. McKennon: Applicants object to all the testimony of this witness because it is incompetent and irrelevant.

SAMUEL SULLIVAN DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Samuel Sullivan Dawson.

Q What relationare you to the Dawsons? A Well, I am not acquainted with none of these Dawsons, I guess I am cousin, that is what he told me.
Q Who was your father? A Samuel Riley Dawson.
Q What did you say your father's name was? A Riley Dawson.
Q Do you know what his full name was? A Samuel Riley Dawson.
Q What children had your father? A Why, he has got, you mean his first children or his whole family?
Q I want all of his children? A I don't know, I will have to count a while on them, there was nine or ten of them.
Q Just one or two of them I care for; is Mrs. Lewis your sister?
A Yes, sir.
Q Your full sister? A Yes, sir.
Q Was she a daughter of S. R. Dawson, Jr.? A Yes, sir.
Q Now who were the parents of your father, , Samuel Dawson?
A Why Sam Dawson was his father.
Q Sam Dawson was his father? A Yes, sir.
Q What was Sam Dawson's wife, if you know their family history, what your father said or what your grandfather said? A I have heard that she was a Pruitt, my father said; of course I don't know.
Q What was her given name? A Annie.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q Saw him? A Yes, sir.
Q Do you know about how old he was when he died? A He was somewhere up about 90.
Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.
Q Was your father his youngest child? A Yes, sir.
Q Do you know about when your father was born? A Well, no, I don't, he died in '90 and he was 67 years old.
Q He died in about '90 and was about 67 years old when he died?
A Yes, sir.
Q And he was the youngest child? A Yes, sir.
Q Not, do you know how many children your grandfather had , that is brothers and sisters of your father? A I heard him say seven.
Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?
A Well, I heard my father speak about it, I don't know that I ever heard my grandmother say anything about it.
Q Well, what did he say about it? A I have heard him say his mother was not an Indian.
Q Did you fathercome here and apply once for citizenship?
A Yes, sir.
Q Was he admitted? A I think not.
Q Did you hear him make any statements about he ground he expected to get in? A He said his brothers had proved their rights here and if his brothers had any rights he did, but I don't know.
Q Well, in that connection didhe say whether his mother was an Indian or white woman? A Never heard him say that his mother was a white woman in speakin; about that, I don't know whether he said anything about that or not; I have heard him say his mother wasn't no Indian.

Mr. McKennon: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

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(Taking of testimony continued by Stenographer M. D. Green)

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

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(Continued from testimony taken by Steno. J. O. Rosson.)

March 10th, 1902, at Muskogee, I. T.

Appearances:
Mr. A. S. McKennon and Mr. Melletto, attorneys for the applicants.
Mr. F. T. Hutchings, and Mr. W. W. Hastings, attorneys for the Cherokee Nation.

EMMA BRASHIERS, being first duly sworn, and being examined testified as follows:
BY MR. HUTCHINGS:

Q State your name? A Emma Brashiers.
Q What was your maiden name? A Emma Dawson.
Q What was your father's name? A Samuel Riley Dawson.
Q What was his father's name? A Samuel.
Q What was your grandmother's name? So far as you know from family history? A Her maiden name was Annie Pruett.
Q Then your father, if I understand you, was the son of Samuel Dawson and Annie Dawson, nee Pruett? A Yes, sir.
Q Did your father have a brother named Robert, and a brother named James? A Yes, sir! that is what I was told.
Q And had a sister named Mrs. Petty? A Yes, sir.
Q And another one named Mrs. McGee? A Yes, sir.
Q And another brother named John? A Yes, sir.
Q What relation are you to Mrs. A. S. Lewis? A Sister.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q You have a distinct recollection of him? A I, yes, I can remember him, but I was small.
Q About how old were you you suppose when your grandfather died? A About 6
Q Was your father's birth recorded in the family Bible? A Yes, sir.
Q You know whether your grandfather's record of marriages and deaths were recorded in any Bible or not? A I was, but we haven't it.
Q What became of it? A Got burned.
Q Well, about what year do you remember that your father, Samuel Dawson was born? A I believe it was '23.
Q In 1823? A Yes, sir.
Q And how old was he when he died, if you recollect? A He was between 64 and '7.
Q Did you ever hear your father speak of his relations, his father and mother, as to whether they were white people or Indians? A Yes, sir, they were white people.

Q. You know whether in the family you grandmother was spoken of by the name of Annie, always? A Yes, sir.

BY MR. McKENNON: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

ALEX S. LEWIS, being first duly sworn and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A Alex S. Lewis.
Q What is your post-office? A Dawson, Indian Territory.
Q How old are? A 58 years.
Q What was your wife's maiden name? A Elizabeth Pernalee Dawson.
Q Who was your wife's father and mother? A Her father was Samuel R. Dawson and her mother was the wife of Samuel R. Dawson, did you want her maiden name?
Q Well, if you know the maiden name of your wife's mother, state how you know it? A Well she was called Margarett, Margarett Queen was her maiden name.
Q The maiden name now of your wife's father's mother? A Why the maiden name of my wife's father's mother?
Q Yes, sir? A From what her husband and my father-in-law told me it was Annie Pruett.
Q What is the name of your wife's father's father? A My wife's grandfather on her father's side, Samuel Dawson.
Q And his wife's maiden name was Annie Pruett? A Yes, sir.
Q Did you know the old gentleman, Samuel Dawson, you wife's grandfather? A Yes, sir.
Q Personally? A Yes, sir.
Q What opportunities had you to get acquainted with him? A He lived with his youngest son, my father-in-law, and visited us, my wife and I, after we were married, stayed with us quite a while; I lived near my father-in-law and he visited very often.
Q When did he die? A '74.
Q Have you any particular method of recalling that date? A Well, I was away from the house when he was taken sick, and they sent for my wife and myself, and so when I got home my wife had gone to her father's to see her grandfather, he was sick, and I remember my first wife was a baby at that time.
Q And when was your first child born? A He was born December, '73.
Q You know how old you wife's father was when he died? A Why he was up in 60, but I don't remember his age.
Q Did the old original Samuel Dawson ever tell you his age? A Yes, sir, several times.
Q How old was he at the time of his death? A He was past 94.
Q Did he ever tell you whether or not his wife Annie Pruett had any sister or brother? A Told me she only had one brother named Bob Pruett.
Q Have any of the members of the family named their children after him? A Make it a little plain, it is a little long: my wife's oldest brother was a particular favorite of his grandfather, and he always took this boy with him everywhere, and he has named one of his,- oldest child for this brother-in-law who was a particular favorite of his grandfather; named it for him I understood.
Q Now, what is his name? A Of course I don't know why he named it, but he gave him the name of Robert Pruett, and I was present when it was on account of his grandfather thinking so much of Robert Pruett.
Q Did you ever hear the old Samuel Dawson speak of his brother-in-law? A Yes, sir; I have heard him say that he wished he knew what had become of Boo Pruett, he never had heard of him for a long

time; didn't know where he was, or whether he was alive or not.
Q Now, I want the children of Samuel Dawson and Annie Pruett, how many of them did you know, first? A How many did I know personally?
Q Yes, sir? A John James, and Samuel R. Those were the only ones of his children that I remember personally.
Q Well, remember what you know of the family, what other children did he have? A Well he had two girls, as I understand the family history, he had two girls, first, and John Dawson was the third child, and the oldest boy was John Dawson.
Q Was John Dawson the oldest boy? A Yes, sir.
Q Which was the oldest girl? What is she known by now? A I think it was Mrs. Petty, now Bettie Dawson.
Q And John Dawson was the oldest boy? A Yes, sir.
Q And Samuel R. Dawson was the youngest boy? A Yes, sir.
Q You knew anything about the time John Dawson was born, have you any way of coming at it, the oldest boy? A Yes, sir, I know what the oldest son and his wife told me.
Q What was that? A They said he was born in 1811.
Q Who was his oldest son? A Oliver H. Dawson; told me his father was born in 1811.
Q Do you remember now whether the old man had occasion to say whether his wife, Annie Pruett was an Indian or white woman, or ever said anything about it? A I know what the old man said that she was, I don't know that I ever heard the question approached in that way, I have heard him speak as to her blood, but it was in a different way that he reached it.
Q What blood did he say she was? A Well he said that she was the daughter of Mrs. Pruett, a white woman; and that her father was Captain John Rogers, a white man who lived with the Cherokee Indians, and traded with them.
Q Did he say who Captain John Rogers afterwards married? A Said he had a wife in the Cherokee Nation.
Q But that Annie Pruett was not her child? A No, sir, she was the child of Mrs. Pruett.
Q A white woman? A Yes, sir, that was the half sister of Bob Pruett.

BY MR. McKENNON:

Applicants object to all of the testimony of this witness, because it is wholly incompetent and irrelevant.

Q Did ever you apply for citizenship here? A Yes, sir; for my wife.
Q When? A My father-in-law made the application, I don't know exactly when it was, I think probably about '86, I couldn't say as to the date.
Q Before the Cherokee authorities? A Yes, sir.
Q Did he file an application before the Dawes Commission in 1896 also? A Him.
Q Yes, sir? A I don't think he did, no sir.
Q Did you? A I did.
Q On account of your wife? A Yes, sir.
Q Did you make affidavit to that application? A No, sir.
Q Who did? A I don't know, don't remember now.
Q You applied for your wife as an Indian by blood did you not? A Yes, sir.
Q Are you still an applicant? A No, sir.
Q Is she? A No, sir.
Q She was denied was she? A Yes, sir.
Q Was there an appeal taken from that? A Application was filed if I remember, before the Dawes Commission, and they rejected the case, and then I appealed it to the District Court, and it was rejected there and then I stopped.

Q Have you ever been arrested for any crime? A Yes, sir.
Q What? A Charge of murder.
Q Anything else? A No, sir.
Q Committed on the train? A Yes, sir.
Q In a train robbery? A Yes, sir, in a train robbery.
Q How long did you remain in jail? A Appealed the case to the Supreme Court, and it was reversed and sent back, and I was acquitted on that charge.
Q That all the crime you were ever charged with? A Yes, sir.
Q Haven't you been having some trouble with the Dawson family? A Well me personally I have no trouble with any of them, there is one of my boys and one of W. A. Dawson's sons-in-law had some trouble.
Q You are not friendly with the Dawson family? A That son-in-law Mr. Wooley, anbyself, don't speak, and I don't think his wife speaks to me either.
Q Well you are claiming some sort of lease on the Wooley farm, aren't you? A No, sir, I don't claim any lease on the Wooley farm.

B. W. ALBERTY, being first duly sworn, and being examined, testified as follows:
BY MR. HUTCHINGS:
Q State your name? A B. W. Alberty.
Q What is your post-office? A Tahlequah.
Q What is your present official position in the Cherokee Nation? A Assistant Executive Secretary of the Cherokee Nation.
Q As such have you charge of the citizenship records and books etc. of the Nation? A Yes, sir.
Q Have you made search recently for the original records in the various cases of the Dawson family before citizenship courts in Council? A Yes, sir.
Q Have you got what records you found with you? A I find what's supposed to be the original papers in the case, all that I could find. (Produces papers and hands to Nation's attorney.)
Q Where did you find these papers? A I found them in the desk in which papers of that character are filed away in the Executive Office at Tahlequah. (Applicant's attorneys examine papers produced by witness.)
BY MR. HUTCHINGS: The Nation here introduces in evidence an envelope marked No. 108, the names on the back of it are Robert, Elbert, Jasper, John, Frances, Marion, Josephine, Joseph, Jane, Mollie, Wilburn, James, Rial Dawson, versus the Cherokee Nation; the envelope and its contents.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced by the Cherokee Nation is indorsed as follows:
"No.108, Rob. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilburn Dawson, James Dawson, Real Dawson, vs Cherokee Nation, Petition for Citizenship, filed Sept. 24, 1881. Admitted Jan 11th, 1883, D. W. C. Duncan, Clerk."
In pencil: "Robt Dawson."

The said envelope contains a document as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19th, 1898.

No. 102 Robert Dawson, et al.
vs.
Cherokee Nation.

Testimony for Claimants.

Witness:

Dr. Baker sworn testified as follows. My name is Arthur Baker I reside at Berryhill, Arkansas, Carroll County, My age is 78 years, I am not a Cherokee, I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County were thirty five years (line drawn through the last three words.) 55 years at my mother's house near Calhoun I became acquainted with the claimants Robt. Dawson's grandmother on mother's side, She was frequently at my mother's house; though she Anna Pruit lived in the Nation side. She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee; the first time she brought the claimant's mother to my mother's house she the claimant's mother was about grown, when I was a lit le boy she called her daughter Polly Rogers said Capt. John Rogers who ran a boat up the river was the father of the child; I saw the girl frequently there at my mother's and there at Louis Rogers Store I saw her occasionally until I was 15 or 16 years old and I think then Old Capt John Rogers took her off to school. I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of Old Samuel Dawson. I stayed all night there and she and I had a talk over our old fathers, and I asked her when she became acquainted with Dawson and she said at the time she was going to school. And she said after she left school what Dawson followed her home to the Nation and they were there married. I have told that precisely in the words she used.

Capt John Rogers claimed to be one fourth Cherokee, the claimant is the son of Polly Rogers and I know Polly Rogers to be the daughter of Anna Pruet, and I know the claimant to be the son of Polly Dawson Capt Rogers then resided in the Cherokee Country about twelve miles from Calhoun on the Hiawassa River.

Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawsons when I got acquainted with them Arkansas were recognized where they were as Cherokees, Robt Dawsons children is Buck, John, Marion, and two girls; the children named in the petition I recognize as being the claimants.

Question by Solicitor:
Ques. 1 How many children did Polly Rogers have?
Ans. 1 Five, I think that's all.
Ques. 2 Did you say something about someone being married twice?
Ans. 2 The claimant was married twice.
Ques. 3 Could Anna Pruet speak Cherokee?
Ans. 3 Yes she could speak it well
Ques. 4 Did Polly Rogers speak Cherokee?
Ans. 4 She could when she was young.
Ques. 5 How far did you live from Anna Pruet?
Ans. 5 Just across the river about 3/4 of a mile.
Ques. 6 Was Calhoun in the Cherokee Nation?
Ans.6 It was on both sides of the river, part in the Nation and part out in the State.

Ques. 7 Which Harnage was it went to Texas?
Ans. 7 George went first then John went they were the sons of old man Harnage that lived up here near the line.
Ques. 8 Did the claimant go to Texas?
Ans.8 No the claimant didn't go to Texas.
Ques. 9 What connection was claimant and Polly Rogers?
Ans. 9 The claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.
Ques. 10 Where does claimant now live?
Ans. 10 He lives in Carroll County, Arkansas.
Ques. 11 Do you know what relation old Captain John Rogers was to Charlotte Rogers here in Coowescoowee?
Ans. 11 They claimed Kin but what Kin I dont know there were two Capt. John Rogers' in the Nation I am speaking of the time when I first came to this 1830 Country about the year 1830.
Ques. 12 Was Anna Pruet the maiden name of Claimant's grandmother
Ans. 12 Yes that was her maiden name the Indians called her Sinee.

his
(signed) Arthur. A. x Baker.
mark

Witness' hand paralyzed is the reason he signs by a mark thus "x". "

The above document is indorsed on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case, Robt," Decided by the Tehee Court in 1883. A. Riley Dawsons Step daughter a White woman married a White man, named August Bulaska."

BY MR. HUTCHINGS: We further introduce envelope No. 131, of E. Dawson for his grand-children, versus the Cherokee Nation, and its contents, to-wit: The Petition and affidavit of F. M. Dawson, and the testimony of Joseph Dawson.
(Hands papers referred to to applicant's attorneys.)

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced is endorsed as follows:
"No.131. E. Dawson vs the Cherokee Nation. For his grand children. Petition for citizenship. Filed Sept. 14th, 1883, D. W. C. Duncan, Clerk of Com. Decided Sept.13, to be Cherokees.

The contents of said envelope are as follows:

"Office of Commission on Citizenship.
Tahlequah, Cherokee Nation, Sept. 14, 1883.
E. Dawson,
No.131. vs for his grand children,-
Lulu Dauthett,
Dallas Dauthett,
F. M. Dawson for Claimant introduced sworn and in open Court testified as follows:
My name is F. M. Dawson. Am Cherokee by blood reside in the Cherokee Nation am 30 (40 written over it) years old.

I saw the Claimants, Lulu Dauthet and Dallas Dauthet in Vinita, and know them to be the grandchildren of my brother E. Dawson who is a recognized Cherokee by blood. L. M. Dauthet, the father of the Claimants, Lulu and Dallas is a white man Dauthet's wife the mother of Lulu and Dallas was a Cherokee, the daughter of my brother E. Dawson, and is now dead. The oldest of these applicants is about 9 years old. I have known them about 8 years. These children is now living with their father. One is a girl and the other is a boy. I had been acquainted with her mother all her life. If she had been now living she would have been about 25 years old - - She has been dead about 4 years as well as I can recollect, She was about 17 years old when she was married.

his
(signed) F. M. x Dawson,
mark

Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, Sept. 14, 1893.
No.181 E. Dawson
for his grand children
Lulu Dauthett
Dallas Dauthett

Joseph Dawson introduced for Claimants, sworn in open Court testified as follows:

Jos. Dawson, am a Cherokee live in the Cherokee Nation, am 31 years old.

Lulu Dauthett and Dallas Dauthett, the Claimants are Cherokees. Fannie Dawson was their mother. Fannie Dawson was a Cherokee, that is what I was always told. Her father was E. Dawson, E. Dawson was my brother. Mrs. Dauthett is not living now, the last time I saw Lulu, and Dallas Dauthett, they were in Texas. But I have heard since that they are in the Cherokee Nation. E. Dawson recognizes them as his grandchildren and I have known them ever since they were born.

By Solicitor:

Lulu is about 10 years old. The Dallas is about 5 or 6 years old. I heard that their father is now at Vinita Cherokee Nation. E. Dawson is Elbert Dawson. The applicants' mother has been dead about three or four years. She died at Hillsboro, Texas.

I was not present when their mother and E. Dawson had eight children to the best of my recollection, or 9. Fannie, Francis, Cartenna, Vanie, Bob, Smith, Norah, Bert, Ella. All living but two, Fannie and Smith. They are all living in Texas when I left there. I am a brother to F. M. Dawson, we are full brothers. My father has been admitted to Cherokee Citizenship by this Court.

his
(signed) Joseph x Dawson,
mark

To the Commission on Citizenship,
Tahlequah, C. N. Sept. 12, 1893.
E. Dawson for grandchildren,
Lulu Dauthett,
Dallas Dauthett,
vs
Cherokee Nation.

Now comes E. Dawson petitioning for the Cherokee rights of his grandchildren, Julu Dauthett & Dallas Dauthett, by virtue of their Cherokee blood, which was derived from the

Dawson family, who is acknowledged Cherokees by admission of your Hon. Court, at its last session in January, 1893, in view of the facts ask your Hon Ct a speedy and favorable consideration of our claims.

(signed) R. Dawson for grand children,
By C. H. Taylor."

This last document is indorsed on back as follows: "No. 181, Petition of Lula, Douthett & Dallas Douthitt, for Citizenship Filed Sept 14, 1893, D. W. C. Duncan, Clerk."

BY MR.HUTCHINGS: Now we desire to introduce the judgment in the case of S. R. Dawson, and others, of the Commission on Citizenship, found on page 20, of Record Book B, of the Citizenship cases in the Cherokee Nation, said book having been turned over to and now in the custody of the Commission; the judgment being dated April 26th, 1889.

BY MR. McKENNON: To the introduction of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

Record above introduced is as follows:

"Office of Commission on Citizenship,
Tahlequah, C. N. August 11th, 1887.

Docket No.	Names,	Age	Sex	Post Office,	Attorney
	1 S. R. Dawson,	66		Catoosa,	
	2 Parlee Dawson,	44	female		
307	3 American J. Dawson,	35	"		
	4 Katharine J. Dawson,	33	"		
	5 J. G. Dawson,	31	male		Bell &
	6 Elihu F. Dawson,	29	"	Applicant for	Bryant.
	7 Tolliver Dawson,	27	"	Cherokee Nation.	
	8 Ella Dawson,	20	female		
	9 Fanny Dawson,	18	"		
	10 John Riley Dawson,	11	Male	R.	
	11 Robert E. Dawson,	9	"		
	12 Claud Dawson,	7		Ancestor	
	12 Cleveland Dawson,	3		John Rogers	

— filed August 11th, 1887."

In red ink written along Age column is the following: "Rejected April 26, 1889."

"Now this day comes the above case for final hearing, Samuel R. Dawson, bases his application for re-admission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the alleged daughter of Captain John Rogers and Chilsey Pruitt, said to be a full sister of Joseph Vann, commonly known as Rich Joe, who was of Cherokee blood. It is admitted that John Rogers and Chilsey Pruitt died before the roll upon which their names would appear if living at the time and specified in the 7th section of the Act of December 8th, 1886, creating the Commission on Citizenship, were made but in support of the application it is urged that certain members of the Dawson family and full brothers of the applicant were re-admitted to citizenship by the Commission on Citizenship commonly known as

"The Tehee Court", and the "Spears Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which determined the decision of those Commissions of the testimony now introduced to authorize the admission of the present applicant is not relivent to the issue now pending. The 7th section of the Act of December 8th, 1886, before named provides, that "The Commission shall give a hearing to any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States," As are hereafter enumerated. Neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Journah Barber nee Journah Dawson and Jane Queen, nee Jane Dawson, and their families, as enumerated in their respective applications.

(signed) Will P. Ross,
Chairman.

This April 26th, 1889.
(signed) D. L. Williams,
Cl'k Com'n."

(signed) R. Bunch, Commissioner,
John E. Gunter, Com'nr.

BY MR. HUTCHINGS: The Nation now introduces the envelope in the case of James K. P. Dawson, and the contents, being the original testimony in the case of E. Dawson; also the judgment in said case, found on page 116, in book C., containing the records of the Citizenship Commission of the Cherokee Nation, the date of said Judgment being April 26th, 1889; this book being also in the custody of this Commission.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope above introduced is indorsed on back as follows:

"Name, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - Years, - - Roll of 1835, Ancestor, Riley Dawson, filed the 5 day of Oct. 1887, Docket 989, Book C Page 116, Testimony on Journal - - Page - - - Decision of Commission Rejected 26 day of April 1889
Rejected."

The contents of said envelope are as follows:

"A. J. Dawson, et al.,) Office Com. On Citizenship,
(vs)) Tahlequah, I. T. Sept. 27th, 1888.
Cherokee Nation.)

E. Dawson, who being duly sworn, upon his oath, deposes and says as follows, to wit:

I am a citizen of the Cherokee Nation and reside in Coowescoowee Dist. and am 53 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I have known him personally about three (3) years. He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a realtion of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee river in Tenn. I think he had four (4) children. I never saw any of them but Andrew J. Dawson, and Jim Dawson.

-Cross Ex.-

Joe Dawson has been dead about 35 years he lived west of the Mississippi River, I understand. My father had four brothers. I don't know how long Joe Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of my Uncle Joe Dawson, is from what he himself has told me, - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me- My grandfather being a Dawson and a white man.

Attest

Connell Rogers,
Clk. Cor. on Citizenship."

This document is indorsed on back as follows:
"Testimony of E. Dawson in case A. J. Dawson."

The judgment above introduced, and found on page 116 of Book C of the Dockets of Cherokee Citizenship Commission, is as follows:

"James K. P. Dawson,
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., Oct. 5, 1897.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	James K. P. Dawson,-		Male		
2	William A. Dawson,				
3	Richard A. Dawson,				

1209

C. H. Taylor.

Applicant for
Cherokee Citizenship,
Census Rolls 1835
Ancestor,
Riley Dawson.

vs.

Cherokee Nation. "

In red ink along age column are the words: "Rejected April 20, 1909."

- - - - - - - - - - - - - -

"Adverse to Claimant.
See decision in this case in the case of S. E. Dawson in Book (B) Page 20.
This April 20, 1909.
D. S. Williams,
Clk Com.

Will P. Ross,
Chairman.
J. E. Porter, Com."

BY MR. HUTCHINGS:

The Nation desires to introduce the original envelope and its contents in the case 196, of Rebecca Dawson, being the application and judgment in the case, also the judgment as copied into the record, Book C, on page 144, the date of said judgment being August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope just introduced is indorsed on the back as follows:

"196, 1, Name Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address Emmet, I. T., Age 48 years, 1835, to 1852, Roll of 18-- Ancestor Maton, Filed the 5 day of Oct 1887, Docket 1017 Book C Page 144, Testimony on Journal- Page - - Decision of Commission, Rejected 28 day of August 1889. Submitted by Mr. Rasmus, Aug. 28, 1889." R$

The contents of said envelope are as follows:

"APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship:
Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Consittution, and with an act of the National Council approved December 8th, 1886, creating your Commission, And respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Maton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds for this application for Cherokee citizenship by blood, and respectfully awaits the time when Application shall be duly heard and tried in accordance with the aforesaid law.

Age, 48 years; Postoffice, Emmett, Chic. Na. family with their relationship attached is as follows:

No Name Sex Age Relationship.

In witness of which application I hereto set my hand on this the 4- day of October 1887.

(signed) Rebecca Dawson,

Doudinot & Rasmus,
Attorneys."

- - - - - - - - - - - -

"COMMISSION ON CITIZENSHIP.
Cherokee Nation, Ind. Ter.
Tahlequah, August 28th, 1889.

Rebecca Dawson)
V. S.
Cherokee Nation.) The above case was called and submitted by

Rasmus without evidence the Commission decide that Rebecca Dawson, Age 48 yrs is not a Cherokee by blood & C are not entitled to citizenship in the Cherokee Nation Post Office Emmet Texas - - I. T.

(signed) WILL P. ROSS,
Chairman,
J. E. Gunter, Com."

- - - - - - - - -

The judgment found in Book G, Records of Commission on Citizenship, Cherokee Nation, Page 144, is as follows:

"Rebecca Dawson,
OFFICE COMMISSION ON CITIZENSHIP.
Tahlequah, Ind. Ter., Oct. 5th, 1897.

Docket	No	Names	Age	Sex	Post Office	Attorney.
	1	Rebecca Dawson	48	female	Emmett, I. T.	

1017

Boudinot & R.
Applicant for
Cherokee Citizenship.

Census Rolls, 1835,
to 1852.
Ancestor,
Moton.

V. S.
Cherokee Nation.

- - - - - - - - -

Office Commission Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug. 28th, 1899.

The above case was called and submitted by Attorney Rasmus without evidence. The Commission decide that Rebecca Dawson, aged 48 years is not a Cherokee by blood and not entitled to Citizenship in the Cherokee Nation.
Attest:

E. G. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J. E. Gunter, Com."

BY MR. HUTCHINGS: The Nat on next introduces the original envelope and contents in the case 198, of Mary Dawson, the contents being the application for citizenship, and the judgment as written up by the Court; also the judgment of the Court as copied in Book C, Page 145,- said judgment being rendered August 28th, 1899.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced is indorsed on back as follows:

"198, 2, Hall, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Bowie, Texas, Aged 54, years, 1835 to 1852 Roll of 18- Ancestor, Moton, Filed the -- day of S 18-- Docket 1016, Book C Page 145, Testimony on Journal-- Page-- Decision of Commission Rejected 28th day of August 1899. Submitted by Mr. Rasmus, Aug, 28, 1899."

"APPLICATION FOR CITIZENSHIP".

To the Honorable Commission on Citizenship:

Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation in accordance with the Constitution, and with an Act of the National Council, approved December 6th, 1890, creating your Commission, And respectfully makes the following statement of the grounds of this her application, to-wit:

That Mary Dawson is the Grand Daughter of one Noton who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds of this her application for Cherokee Citizenship by blood, and respectfully awaits the time when her Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 54, years; Postoffice, Bowie, Texas, family with their relationship attached is as follows:

No.	Name	Sex	Age	Relationship.
1	Walter Dawson	M	16	Son.

In witness of which application I hereunto set my hand on this the 4 day of October 1887.

Mary Dawson,

Boudinot & Reagan,
Attorneys."

- - - - - - -

COMMISSION CITIZENSHIP,
Cherokee Nation, Ind. Ter.,
Tahlequah, August 28th, 1889.

Mary Dawson,
vs
The Cherokee Nation
} Application for Cherokee Citizenship.

The above named case having been submitted by W. F. Reagan, Attorney for plaintiff, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 16 yrs, are not of Cherokee blood, P. O. Bowie, Texas.

Will P. Ross,
Chairman,
J. T. Carter, Com."

- - - - - - -

Said envelope also contains the following:

APPLICATION FOR CITIZENSHIP
TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen:- The undersigned, your petitioner, this day makes this his application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an act of the National Council, approved Decmber 6th, 1890, creating your Commission. And, respectfully [illegible] on the following statement of the grounds of this his application, to-wit: That Julian K. P. Dawson is the son of one Miller Dawson who the undersigned believes was duly enrolled upon the - - - Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1835, the undersigned hereby presents the above facts as the lawful grounds for this his application [illegible] tried

in accordance with the aforesaid law.
Age - - nearest Post-office - - -; family with their relationship attached is as follows:

Names.	Sex	Age	Relationship.
William A. Dawson	Male		Son.
Richard A. Dawson,	"		"

In witness of which application I hereto set my hand on this the 4th day of Oct 1887.

(signed) James K. P. Dawson,
C. H. Taylor, Attorney."

- - - - - -

The judgment as recorded in Book C, page 145, of the records of the Cherokee Commission on Citizenship, is as follows:

"Mary Dawson,

Office of Commission Citizenship.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	Mary Dawson,	54	female	Bowie, Texas.	
2	Walter Dawson,	18	male		

Boudinot & R.
Applicant for
Cherokee Citizenship.

Census Rolls 1835 to 1852
Ancestor
- - - - - -

vs.
Cherokee Nation.

- - - - - -

Office Commission on Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug 26th, 1889.

The above case having been submitted by W. F. Rogers, attorney for claimant, without evidence, the Commission decide that Mary Dawson aged 54 years, and her son Walter Dawson aged 18 years are not of Cherokee blood. Post office Bowie Texas.
Attest:

D. C. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J. [illegible], Com."

- - - -

BY MR. HUTCHINGS: The Dat on further introduces the original envelope in the case of Andrew J. Dawson, which said envelope contains his original application; also the judgment in that case recorded on page 38, of Book A, of the records of the Citizenship Commission of the Cherokee Nation, which said records are now in the custody of the Commission; the judgment is dated April 26th, 1889.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced above, is endorsed as follows:

"Name, Andrew J. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Nevada, Mo. Age 44 years, - - 1835, Roll of 1835, Ancestor, - - Filed the 11 day of February 1887, Docket 37 Book A, Page 38 Testimony on Journal - - Page, Decision of Commission, REjected, 26 day of April, 1889. Rejected."

The contents of said envelope are as follows:

"To the Commission on Citizenship.

Tahlequah, I. T.,
January 27, 1887.

	Age		
Andrew J. Dawson,	44	years	Male
E. E. Dawson,	16	"	"
Olive M. Dawson,	14	"	female
William H. Dawson,	11	"	male
Jessy K. Dawson,	9	"	"
Glennie D. Dawson,	8	"	female.

V.S.
Cherokee Nation.

Know comes Andrew J. Dawson, and five children claiming his right to Cherokee Citizenship by virtue of his Cherokee blood, he being a cousin of E. Dawson and others of the same name admitted to Citizenship by the Tom Tehee Court on Citizenship, which is a matter of record, we submit that as proof of the Justness of his claim, his ancestors will be found on the roll of 1835.

Respectfully,

Post-office, (signed) A. J. Dawson &
Nevada, Mo. five children,
by C. K. Taylor,
Attorney."

" " " "

The judgment just introduced, and found on page 38 of Book A, Records of Cherokee Commission on Citizenship, is as follows:

"Andrew J. Dawson,
Office Commission Citizenship,
Tahlequah, C. N., Feby 11, 1887.

Docket No Family	Name	Age	Sex	
1	Andrew J. Dawson,	44	Male	Nevada, Mo.
2	E. E. Dawson,	16	"	
3	Olive M. Dawson,	14	Female	
4	William H. Dawson,	11	Male	Applicants for
5	Jessie K. Dawson,	9	"	Cherokee Citizenship,
6	Glennie D. Dawson,	8	Female	C. K. Taylor.

Rolls 1835,

Rejected April 26, 1889, (red ink.)

V.S.
Cherokee Nation.

Ancestors,

Filed Feby 11, 1897.

Adverse.

See decision in this case in that of L. R. Dawson, Book P.20.
rendered April 26- 1899.
D. S. Williams,
Clk Com."

- - -

BY MR. HUTCHINGS: We next desire to introduce the records in the case of this same Andrew J. Dawson, before the Commission to the Five Civilized Tribes, filed September 7th, 1896, and the judgment of the Commission thereon. Number of said case being 4,694. And the judgment of said case on Page 294, Book B., Dawes Commission Record, 1896. Judgment was rendered November 17th, 1896, denying the application.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The records just introduced, being those filed before Dawes Commission, 1896, in Andrew J. Dawson, et al., are as follows:

Registry Receipt,
Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind Ter., Registered Letter, No. 409, Rec'd, of A. J. Dawson, addressed to S. H. Mayes, Tahlequah, I. T., (signed) D. A. Frayser, P.-M.

- - -

"Commission to the Five Civilized Tribes,
Vinita, Ind. Ter., Sept. 7, 1896.

See that you swear to your petition.

Evidence of service of copies of Chief or Governor may be secured as follows: If convenient get his receipt to file with your papers. If you cannot do this, register to him, and have some interested person to make affidavit in form about as follows:

I, S. M. Davidson, do solemnly swear that on the 7th day of September, 1896, I saw a package registered at the Post office at Vinita, Indian Territory, addressed to Hon. S. H. Mayes, Chief of the Cherokee Nation, Tahlequah, Ind. Ter., the registry receipt no.409, received from postmaster, herein attached, in a receipt for said package, which contained true copies of the application of Andrew J. Dawson, and of the affidavits of E. Dawson and J. M. Dawson in support of same.

(signed) S. M. Davidson.

Subscribed and sworn to before me, on this 7th day of September, 1896.
(Seal) (signed) W. H. Kornegay,

Notary Public, First Judicial Division of the Indian Territory.

Attach receipt to this affidavit and send with papers to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, as we understand that packages are not promptly receipted for by the Chiefs and Governors.

xxx _____
For the Commission."

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:-

The undersigned, your petitioner, Andrew J. Dawson. ~~William H. T. Dawson Jesse K. D.~~ (Line in ink drawn through these names.) for and on behalf of Bonnie E. E. Dawson, Olive Maud Dawson, William H. T. Dawson, Jesse K. Dawson, Glen Dale Dawson, James K. P. Dawson, William A. Dawson, Maggie E. Dawson, Richard A. Dawson and Mary E. Dawson and heirs, this day make their application to you for the purpose being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the funds and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokees Indians by blood, deriving the same from Captain John Rogers, Polly Rogers, Daughter of Captain John Rogers, married Samuel Dawson, whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the years 1817, 1818, 1819 and 1835 & 1838 the same to be submitted to your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his proof in support of said claim, and respectfully awaits the time when his application shall be heard and tried.

Respectfully submitted,
Andrew J. Dawson,

Enrollment of Family, with relationship attached, as follows:

Names.	Ages.	Relationship.
Minnie E. E. Dawson,	25	Daughter,
Olive Maud Dawson,	23	Daughter
William H. T. Dawson,	20	son,
Jesse K. Dawson,	18	son.
Glen Dale Dawson,	16	Daughter.
James K. P. Dawson,	7	Brother.
William A. Dawson,	13	Nephew.
Maggie E. Dawson,	3	Neice.
Richard A. Dawson,	12	Nephew.
Mary E. Dawson,	5	Neice.

IN WITNESS WHEREOF, I hereunto set my hand this Third day September 1896.

(signed) Andrew J. Dawson."

Jurat on back as follows:

United States of America,
Indian Territory,
Northern District.

Andrew J. Dawson, of lawful age, being duly sworn states that he knows the facts set forth in the above and foregoing application and that the same are true as he verily believes.

(signed) Andrew J. Dawson,

Subscribed and sworn to before me on this the 3rd day of September 1896.

(signed) J. A. Tillotson,
Notary Public.

(Seal)
My Commission expires June 8th 1899.

- - - - - -

Indian Territory,)
Northern Judicial Dis-) ss.
trict)

Andrew J. Dawson, of lawful age, being by me first duly sworn on oath says that he is 52 years old that his post office address is Afton, I. T. Affidavit further says that he is a citizen of the Cherokee Nation and a Cherokee Indian by blood deriving his Indian blood from Polly Rogers daughter of Captain John Rogers, that Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Hiwathia river while emigrating to the west.

Affidavit further says that Samuel Dawson and Polly Rogers are his grandfather and grandmother and that Captain John Rogers was recognized by the National Council of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation of 1852 as follows: An act of the Council of 1842 page 60, an act of Nov. 17th 1843, page 96. Also an act of Nov. 16 1849 page 204.

Affidavit further says that he is a blood relation of E. Dawson, J. E. Dawson, Joseph Dawson, and John Dawson who were admitted to citizenship by the Cherokee Nation and whose names appear upon the authenticated rolls of 1883.

(signed) Andrew J. Dawson.

Subscribed and sworn to before me this 3rd day of September A. D. 1896.

(signed) J. A. Tillotson,
Notary Public.

(Seal)
My Commission expires June 8th 1899."

"Indian Territory,
Judicial Dist. } S.S.

J. E. Dawson, of lawful age, being by me first duly sworn on oath says that he is 54 years old; that his post office address is Afton, Indian Territory, Affidavit further says I have known Andrew J. Dawson for the past 10 years and have known him and recognized him as a Cherokee Indian and a cousin of mine, he claims to have originated from the family of Joe Dawson and he was a brother of Robert Dawson my father, and he being an offspring of Sam Dawson, who married Polly Rogers, a daughter of Captain John Rogers, who was a recognized Cherokee Indian.

his
(signed) F. L. X Dawson
mark

Subscribed and sworn to before me this the 4th day of Sept 1896."

(signed) Frank L. Sharp
Notary Public. (Seal)"

- - - - - -

"Ind Ter
Northern Dist

This affidavit made this 4th day of Sept 1896 by E. Dawson of this Dist in the Cherokee Nation I have known A. J. Dawson 10 years and have known him and recognized him as a Cherokee Ind and a cousin of mine, he claims to originate from the family of Joe Dawson and he was a brother of Robert Dawson and being an offspring of Sam Dawson who was (line in ink drawn through word was) married Pollie Rogers a daughter of Captain John Rogers who was a recognized Cherokee Indian.

(signed) E. Dawson.

Subscribed and sworn to before me this 4th day of Sept 1896.

(signed) J. Barricklaw,
Notary Public,

My commission expires June 8, 1899.
(Seal)"

Indorsed on back: "No. 1509, A. J. Dawson vs Cherokee Nation Filed Sept 7-1896 A. S. McKennon, Com'r."

- - - - - -

Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabaniss, A. B. Montgomery, Commissioners.
In the matter of the application of
Andrew J. Dawson, Nation's No.....
Commission's No.....
for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy.

2nd. That the application does not state facts sufficient if true, to show that the applicant . . . entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that John Rogers through whom the petitioner claims to derive right to citizenship in the Cherokee Nation, is not now, - . . and has not been a citizen of the Cherokee Nation, since the removal of said nation, west to the Indian Territory, as at present located and defined; that his name does not appear on any of the authenticated rolls of said nation; that neither he nor any of his ancestors ever resided, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

See case Nation's No. 1573.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Mayes, Principal Chief Cherokee Nation.

E. Hutchings, Hastings & Goudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answers are true, to the best of his knowledge and belief.

(signed) John L. Adair,

Subscribed and sworn to before me this the 5 day of Oct 1896.

(signed) D. J. Ball,
Notary Public.

(Seal)"

Indorsed as follows: "Nation's No. 4679.
Commission's No. 4694, In re application of Andrew J. Dawson, DEMURRER AND ANSWER. Filed Oct 21 H. M. Jacoway, Sec."

The foregoing documents, comprising the 1896 papers as above set forth, are inclosed in envelope indorsed:

"No. 4694, Petition of Andrew J. Dawson, and heirs, Cherokee, 9-7-96. Rejected."

Which envelope is inclosed in jacket, marked "No.4694."

- - - - - - -

BY MR. HUTCHINGS: Now we desire to introduce the records in the case of Joanna Barber, et als., No. 1864, the United States Court number being 90, and the Nation desires to call especial attention to the testimony of W. C. Rogers and Sarah Carter as set forth in this case.

BY MR. McKENNON: To all of which applicants object, because it is wholly irrelevant, immaterial and incompetent.

Records in said case are as follows:

blood is shown by proof herewith filed.

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners authorized by an act of Congress of June 4, 1896, to hear and determine claims for Citizenship in the Cherokee Nation:

Gentlemen:- The undersigned, your petitioner, Joanah Barber, for and on behalf of herself and heirs, this day makes this their application to you for the purpose of being placed on the revised roll of Cherokee Indians and of those entitled to

aware in the distribution of funds and allotments of land in Cherokee Nation, by virtue of their Cherokee blood, and I herewith submit the affidavits of E. Dawson, S. R. Dawson, T. K. Dawson & P. M. Dawson in support of said claim, and respectfully await the time when our application shall be heard and tried.

Respectfully submitted,
(signed) Joanah Barber.

Enrollment of family, with relationship attached, as follows:

Names.		Age	Relationship.
Joanah Barber,		60	Daughter of Elizabeth or Betsy
Isaac J. "	Husbd	65	Petty, ne Dawson, who was a
Chas E. "		20	daughter of Polly Dawson, ne
Wm. E. "		24	Rogers who was a daughter of
James E. "		18	Capt Jno Rogers and Ailey Rogers
Johny "		6	nee Vann a Cherokee Indian by
Joel A. Barber.		38	blood as is shown by proof here-with filed.

In witness of which I hereto set my hand on this 4 day of August 1896.

(Signed) Joanah Barber."

Indorsed as follows: "Pd $.50 No.... Petition of Joanah Barber for and on behalf of herself and heirs."

TO THE HONORABLE HENRY L. DAWES AND OTHERS COMPOSING THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitioner, Joanah Barber, would state and show from the proof submitted to the Commission that she is a Cherokee by descent and by blood having been born in Carroll County, State of Ark. on the 8 day of Dec 1835. My Fathers name was John Petty. My Mothers name was Elizabeth Petty, nee Dawson. That I now reside in the Cherokee Nation, and have resided there for 10 years. And she avers these facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe. And she further avers that these facts being proved she is entitled to be adjudged under the laws of such Nation and the laws of the Congress of the United States and the treaties of such Nation with the United States, a citizen of such Nation, with all the rights, privileges and protection of citizenship in such Nation. Wherefore she herewith respectfully submits to the consideration of the honorable Commission such proof and on the hearing she be adjudged entitled to such citizenship and her name be placed upon the proper roll as an heir of such Nation.

(signature) Joanah Barber.

INDIAN TERRITORY,)
) ss
FIRST JUDICIAL DIVIS)

Now on this 4 day of Aug 1896 personally came before me, J. Tatts a Notary Public in & for the Nation aforesaid, Joanah Barber, who being duly sworn upon her oath states that the facts set forth in the foregoing petition are correct and true.

Subscribed and sworn to before me this 6 day of August 1896.

(signed) W. J. Watts,
Notary Public.

(Seal)"

\- - -

"(COPY)

In the matter of the claim of Joanah Barber nee Joanah Petty to Cherokee Indian Citizenship in the Cherokee Nation , Indian ter itory.

Affidavit of S. R. Dawson.

Delaware District,
Cherokee Nation,
First Judicial Division,
U.S. Court, Indian Territory. } SS

S. R. Dawson, to me well known to be r liable and respectable, after being duly sworn according to law states on oath, that he is a bona-fide citizen of the Cherokee Nation by blood- that he is a resident of s id Nation- that his post-office address is Afton, I. T.; that he is fifty-one years of age- that he is well acquainted with the claimant Joanah Barber and has as long as he h s known any person- that she is of Cherokee Indian descent- that her maiden name was Joanah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of Polly Rogers, a person of Cherokee Indian descent, who intermarried with Samuel Dawson, a white man- that he said Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann both well known Cherokee Indians.

Affiant is not directly nor indirectly interested in the result of this application.

(signed) S. R. Dawson.

(Impress of National Seal)

Subscribed & Sworn to before Jany 6 1892

(signed) T. B. Hubbard,
Notary Public."

"United States of America,
Indian Te itory,
First Judicial Division.

I, William T. Ramus, a Notary Public within and for the Judicial Division aforenamed, do hereby certify that the next above in the within one page of an affidavit is a true and literal copy of the original as exhibited to me at Tahlequah, Ind. Ter y, this the third day of July A.D. 1897.

(signed) William T. Ramus,
Notary Public, First Judicial Division, Indian Territory.

(Seal) My Commission expires Feby 2, 1897."

(A copy)

In the matter of the claim of Joana Barber (nee Joanah Pet y)

to Cherokee Indian Citizenship in the Cherokee Nation, Ind Ter.

Affidavit of E. Dawson,
Coweescoowee District,)
Cherokee Nation,)
First Judicial Division,) ss
U. S. Court, Ind. Ter.)

E. Dawson, to me well known to be a credible and responsible after being duly sworn according to law deposes on oath that he is a Bonified citizen of the Cherokee Nation by blood- that he is a resident in said Nation & that his post office address is Talala, Ind Ter.-that he is 58 years of age- that he is well acquainted with the claimant Jonah Petty & has been as long as he can remember any person- that claimant is a person of Cherokee Indian descent the her maiden name was Jonnah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of one Polly Rogers a full blood Cherokee descent, who intermarried with Samuel Dawson, a white man, that the said Polly Rogers was the daughter of Captain John Rogers a well known Cherokee Indian.

Affiant is not directly nor indirectly interested in the result of this application.

(signed) E. Dawson.

Subscribed and sworn to before me this the 24th day of Feby 1903

(signed) A. F. Williams,
Notary Public.

(Impress of
National Seal
here.)
Com. Expn. Sept. 26/06.

United States of America,
Indian Territory, ss
First Judicial Division.

I, William F. Rabbus, a Notary Public within and for the First Judicial Division, Indian Territory, do hereby certify that the next above and this is on page of my affidavit is a true and literal copy of the original presented to me at Tahlequah, Ind Ter. this 24th day of July A.D. 1903.

(signed) Wm. F. Rabbus.

(Seal) Notary Public, First Judicial Division: Indian Territory, My Commission expires Febry 7, 1907.)

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United States of America,
Western District of Arkansas. ss.

In the case of Jonah Petty claiming for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian Authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally appeared before me William F. Rabbus, a Commissioner U. S. Court within and for the district aforesaid duly authorized to administer oaths E. A. Dawson, to me personally well known to be reputable and entitled to credit, and who being, by me duly sworn according to law, deposes and

and says: My name is T. A. Dawson, my age is 52; my race; my post-office address Tulsa, Ind. Terry. I am a farmer by occupation, I am a citizen of the Cherokee Nation, I. T. by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: That he is personally well acquainted with the claimant, Joanah Barber- whose mother's name was Elizabeth (commonly called Betty) Petty, Dec'd nee Elizabeth Dawson, - a Cherokee Indian by blood, and she was the sister of his father; James Dawson, Dec'd, a recognized and acknowledged Cherokee Indian by blood- and that she was a sister of Robert Dawson Dec'd a recognized and acknowledged Cherokee Indian by blood- said Robert Dawson having been a full brother to said James Dawson- that therefore the said claimant, Joanah Barber is his (affiant's) first cousin by Cherokee Indian blood and that he so recognizes and acknowledges her.

(signed) T. A. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry this 3rd day of December A.D.1894.

(signed) W. J. Rogers,
(seal) United States Commissioner."

- - - - - - -

"UNITED STATES OF AMERICA.)
Western District of Arkansas.)ss

In the case of Joanah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William J. Rogers, a Commissioner of the U. S. Dist. Court within and for the District aforesaid duly authorized to administer oaths Francis M. Dawson, to me made personally well known to be reputable and entitled to - - and who - - duly sworn according to law deposes and says: My name is Francis M. Dawson my age is over 57 years, my post-office address is Afton, Ind. Terry, I am a farmer by occupation, I am a citizen of the Cherokee Nation, by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: I am personally well acquainted with the claimant Joanah Barber, whose mother's name was Elizabeth (commonly called "Betty") Petty, nee Elizabeth Dawson, a Cherokee Indian by blood, said Elizabeth Petty was a full sister of her father Robert Dawson Dec'd, a Cherokee Indian by blood- and I acknowledge the relationship by Cherokee Indian blood of Joanah Barber to me as first cousin- and I know that said Joanah Barber therefore is of Cherokee Indian blood.

(signed) F. M. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry this 17th day of November A.D.1893.

(signed) W. J. Rogers,
(seal) United States Commissioner.

Indorsed on back as follows: "No. 1 Files of 23 I. T., Jas. A. Pinston, Clerk."

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"Page 21, Docket "B"
Joannah Barber.
Office Commission on Citizenship,
Tahlequah, C. N. August, 1897,

Docket. No.	Names	Age.	Sex.	Post Office.	Att'y.
1	Joannah Barber	51	female	Vinita, I. T.	
2	Ailey J. Barber	34	female		
3	Irena Barber	24	female		
4	Erma Barber	22	female		
5	Atta Barber	20	female		
6	Mary Barber	17	female	applicant for	
7	Onice Barber	17	female	Cherokee Citizenship	
8	Joel Barber	31	male	Rolls 1835	
9	Calaway Barber	27	male		
10	Toliver Barber	26	male	Ancestor	
11	Riley Barber	15	male		
12	Edgar Barber	9	male		

V.S.
Filed Aug. 12, 1897.

John Rogers &
Alcy Pruett

See decision this case in that of L. R. Dawson, adverse to claimant in this Book page 20.
This April 26th, 1899.

D. S. Williams,
Clerk com.

Fill. P. Ross, Chairman,
J. E. Gunter, Com."

- - - -

"S. R. Dawson.
Office Commission on Citizenship,
Tahlequah, C. N. Aug. 11th, 1897.

Docket. No.	Names.	Age.	Sex.	Post Office	Att'y.
1	S. R. Dawson,	60		Catoosa, I. T.	
2	Parley Dawson,	44	female		
3	America J. Dawson,	35	female		
4	Katherine J. "	15	female		
5	J. C. Dawson,	31	male		
6	Elias F. Dawson,	29	male		
7	Toliver Dawson,	27	male	Applicant for	
8	Erma Dawson,	20	female	Cherokee	
9	Fanny Dawson,	18	female	Nation	
10	John Riley Dawson	11	male		
11	Robt. E. Dawson,	9	male		
12	Clara Dawson,	7	female		
13	Cleveland Dawson	3		Ancestor	

Filed Aug. 11, 1897.
Rejected April 26, 1899.

John Rogers

Now this day comes the above case for final hearing, Samuel R. Dawson bases his application for admission to Citizenship in the Cherokee Nation upon the marriage of his [illegible] but born of Samuel Dawson, a white man, Polly [illegible], [illegible] daughter of Captain John Rogers, and Ailey Pruett, [illegible] be half sister of Joseph Vann Gordon, [illegible] Cherokee blood. It is admitted that John [illegible]

Chilsey Pruett died before this roll was made, but if living at the time, and specified in the 7th Section of the Act of December 8th, 1886, creating the Commission on Citizenship were made, but in support of the application it is urged that certain members of the Dawson family the full brothers of the applicant were admitted to citizenship by the Commission on Citizenship commonly known as the"Tehee Court" and"Spears Court" and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the consideration which determined the decisions of those Commissions or the testimony now introduced to authorize the admission of the present applicant is not relevant in the issue now pending. The 7th Section of the Act of December 8th, 1886, before mentioned provides that the Commission hearing to any person applying for citizenship in the Cherokee Nation upon the grounds of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States, hereinafter mentioned, neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls, the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission of citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the case of Andrew J. Dawson, James M. P. Dawson, Joannah Barber, nee Joannah Dawson, and Jane Queen, nee Jane Dawson and their families as enumerated in their respective applications.

Will. P. Ross, Chairman,
F. Bunch, Commissioner,
John E. Gunter, Commissioner.

This April 26th, 1889,
D. S. Williams, Clerk Com."

- - - - - - -

United States of America,)
Indian Territory,) ss.
Northern District.)

W. C. Rogers being duly sworn on oath deposes and says: that he is a citizen and resident of the Cherokee Nation, Indian Territory. That his post-office address is Ski-a-took, Ind. Ter. That he was born and raised in the above said Nation and Territory; that he is 46 years of age:

Affiant further states that he is slightly acquainted with Irena J. House, an applicant for admission to citizenship in the Cherokee Nation as shown by copy of her application.

Affiant further states that his father's name was Charli Rogers- who was a son of Captain John Rogers and the said Capt. John Rogers was the only man of that name that ever lived in the Cherokee Nation that this affiant ever heard of; that the said Capt. John Rogers this affiants grandfather lived at Grand Saline, I. T. and died in Washington, D. C.

This affiant states that his father Charli Rogers was related to five brothers viz.. Synthia Rogers, Lewis Rogers, George Rogers, Nelson Rogers, Granvil Rogers and Randolph Rogers; that he (this affiant) was well and personally acquainted with the above said parties- except Granvil and Randolph Rogers, who were killed when this affiant was quite young.

This affiant stated that he was 34 years of age, that his father, Charlie Rogers died, that his father never had any other family (line in the original struck through) brothers or sisters than the ones above mentioned: that the said Polly Rogers named in the application for citizenship of Irene J. House, was not a sister of his fathers: that his father never had but one sister viz. Cynthia Rogers that this affiant ever heard of, that this affiant was well acquainted with his aunt Cynthia Crump."

Just here the following is inserted on separate paper:

"EXECUTIVE DEPARTMENT OF
CHEROKEE NATION, I, John L. Adair, Executive Secretary of the Cherokee Nation, do hereby certify that I have compared the foregoing with the original record in this Department, and that the same are correct copies and transcripts therefrom.

In witness whereof I have hereunto set my hand and affixed the Great Seal of said Cherokee Nation, at Tahlequah, this, the 5th day of Feb, 1896.

(signed) John L. Adair,
(Seal) Executive Secretary."

Then the above affidavit continues:

"(ned) Rogers that she lived with this affiant's father for a number of years prior to here death.

Affiant states that he has often talked with his father, Charlie Rogers and his aunt Cynthia Crump (nee Rogers) about his relatives; that they never spoke of any other sister in their family; that this affiant was about 20 years of age when his aunt, Cynthia Crump died; that they told him there never (words "never was" marked over with ink) father never had any other daughter or daughter other than Cynthia Rogers

Affiant states that his father told him a number of times, that this affiants grandfather Capt John Rogers never had any other family other than the one above mentioned: that this affiant never heard his father Charlie Rogers or any of his relatives speak of his grandfather Capt John Rogers owning or running a boat up any river.

Affiant states his father Charlie Rogers was born on Big Mulberry, South-east of Van Buren, Arkansas, in the year of 1817.

Further affiant saith not.

. . Rogers.

Subscribed and sworn to before me on this the first day of October, 1896.

(signed) William T. Hall,
Notary Public,
(seal) My Commission expires January 16th, 1900."

"United States of America,)
Indian Territory, (ss
Northern District.)

I, [illegible] Capper being first duly sworn states: that she is a citizen and resident of the Cherokee Nation, Ind. Ter. and her post office address is Vinita, I. T., that she is 65 years of age.

Affiant states that she is the daughter of Charlie Rogers; that her grandfather on her father's side was Capt John Rogers. Affiant further states that W. C. Rogers is her brother, and that she has read the foregoing affidavit of W. C. Rogers, and knows the contents thereof; that the facts therein set forth are true as she verily believes.

(signed) Sarah Rogers.

Subscribed and sworn to before me this the first day of October, 1896.

William H. Hall,
Notary Public.

My Commission expires January 16th 1900.
(Seal)

- - - - - -

Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. - (name torn off) A. B. Montgomery, Commissioners.

In the matter of the application of Nation's No.1573
Joanah Barber Commission's No...
et al-
for citizenship in the Cherokee Nation.

Your respondent, S. H. Hayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That the Commission has not jurisdiction over the parties or subject matter of this controversy, and not legal right, therefor, to hear and determine the same.

2nd. That the application does not state facts sufficient, in law, to show that the applicants are entitled to citizenship.

Respondent now waiving the aforesaid demurrer, but insisting upon the same as an answer to said application, says that John Rogers through whom the petitioners claim to derive their right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory and it presently located and defined: that his name does not appear upon any of the authenticated rolls of said Nation: that neither he nor any of their ancestors now reside or ever have resided in the Cherokee Nation or Indian Territory, as citizens thereof.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Hayes, Principal Chief Cherokee Nation.

By Hutchings, Hastings & Bruinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answer are true, to the best of his knowledge and belief.

(Signed) John L. Adair,

Subscribed and sworn to before me this the 5th day of Oct. 1896.

(Signed) W. J. Hall,
(Seal) Notary Public.

Indorsement thereon as follows: "No 1674 DC Miscellaneous No. 1879, Petition in the application of No 2 Joanna Barber Demurrer and Answer Filed Mar 15 1907 Jno. A. Pinnton, Clerk/ Filed Oct 7 1896 C. M. Jacoway, Secy."

"Copy.

BEFORE THE HONORABLE COMMISSION OF THE UNITED STATES OF AMERICA,

Duly appointed and empowered to Act, under and by virtue of the Act of Congress of June 4th 1896, to hear and determine all claims for citizenship of the Five Civilized Tribes of Indians, to-wit:
Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians.

In the matter of the application for citizenship in the Cherokee Nation, of Joanna Barber and her children, to-wit:

Ona E. Barber, Willie M. Barber, James L. Barber, Johnnie Barber and Joel A. Barber.

In the matter of the application for citizenship in the Cherokee Nation of Joel A. Barber and his children, to-wit: Hattie Barber, Toliver Barber, George A. Barber, Frankie C. Barber, Jesse Barber and Ethel Barber.

In the matter of the application for Citizenship in the Cherokee Nation of Mary A. Barber and her child, to-wit: Inez Barber.

In the matter of the application for citizenship in the Cherokee Nation of Ella L. Murphy and her child, to-wit: Claude M. Murphy.

In the matter of the application for Citizenship in the Cherokee Nation of Ella Moore and her children, to-wit: Anna J. Moore, Jackson D. Moore, Kirby Moore and Gladys Moore.

In the matter of the application for Citizenship in the Cherokee Nation of Addie L. Hunt and her child, to-wit: Duncan Hunt.

In the matter of the application for Citizenship in the Cherokee Nation of Lizzy J. Smart and her children, to-wit: Georgia A. Smart and Percy H. Smart.

In the matter of the application for Citizenship in the Cherokee Nation of Jonnah J. Garlinghouse and her children, to-wit: Myrtle O. Garlinghouse, Cora L. Garlinghouse and Birtha L. Garlinghouse.

In order that the Honorable Commission may clearly and fully understand the proof and merits of the Claim of the aforesaid Claimants, we deem it necessary to present to the Honorable Commission, the genealogy and proof of said Applicants, to-wit:

Joanna Barber, whose maiden name was Joanna Potey, is the daughter of Elizabeth Potey, nee Dawson and a granddaughter of Polly Dawson, nee Rogers and a great granddaughter of Sarah John Rogers, who was a Cherokee Indian by blood as appears by the proof herein submitted.

Jool A. Barber is a son of Joanna Barber, nee Petty and grand son of Elizabeth Petty, nee Dawson and a great grand son of Polly Dawson nee Rogers and a great great grand son of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted. Mary A. Boyer, whose maiden name was Mary A. Barber, is a daughter of Joanna Barber and grand daughter of Elizabeth Petty, nee Dawson and great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Ella Murphy, whose maiden name was Ella Barber, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabethe Petty, nee Dawson and a great great grand daughter of Polly Dawson nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Ella Moore, whose maiden name was Ella Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof.

Attie L. Hunt, whose maiden name was Attie L. Barber, isa daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blodd, as shown by the submitted proof.

Alcey J. Swart, whose maiden name was Alcey J. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson, and a great grand daughter of Polly Dawson, ne Rogers, and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joanna J. Carlinhouse, whose maiden name was Joanna J. Swart, is a daughter of Alcey J. Swart, ne Barber, and a grand daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, ne Rogers, and a great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Therefore, the Claimants pray the Honorable Commission, that after a careful examination of their application and impartial investigation of the proof herein submitted, you will adjudge each of said Claimants, together with their aforementioned Children, entitled to citizenship in the Cherokee Nation, and that you place the name of each Claimant, together with the names of their aforementioned Children, upon the Cherokee roll, and that you grant to them all the rights, privileges and immunities of citizens of the said Cherokee Nation.

(Signed) Hubbard, Carlton & Yates,
Council for Petitioners."

Indorsed on back as follows: "No 3 Filed Feb 24 1897, Jas. A. Winston, Clerk."

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Commissioners,
Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss, Alexander B. Montgomery—H. M. Jacoway, Secretary.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,
Vinita, Indian Territory, Oct 2 , 1896.
Filed Sept. 8, Answer Filed,
Application denied.

Joanna Barber,
vs.
Cherokee Nation,

I, H. M. Jacoway, Jr., Secretary, do hereby certify that the above and foregoing is a true and correct copy of Cherokee Record A. page 297 of the Commission to the Five Civilized Tribes.

Given under my hand and official signature this the 10 day of Feb. 1897.

H. M. Jacoway, Jr.,
Secretary."

Indorsed as follows: "1864 No. 4 Filed Feb 24 1897 Jas. A. Winston, Clerk."

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"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Joanna Barber et al,
vs.
Cherokee Nation. No.1864.

AFFIDAVIT FOR APPEAL.

Now come the said Joanna Barber et al applicants for citizenship in this case by W. B. Fatta, one of their attorneys, and pray an appeal from the decision of the Honorable Commission to the United States District Court as provided by the Act of Congress approved June the 10th, 1896.

And the said W. B. Fatta, being duly sworn on oath on behalf of said applicants says that the appeal prayed for in this case is not asked for the purpose of delay but that justice may be done the appellants.

(signed) W. B. Fatta,

Sworn and subscribed to before me this 22nd day of December 1896.
(signed) J. C. Lindsey,
(SEAL) Notary Public.
My Commission expires March 28th 1897."

Indorsed: "Court 290."

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"Received of F. . . Mcomy, Jr., Secretary of the Commission to the Five Civilized Tribes, the original papers, in the case of - - - - vs - - - - Nation, as follows:

/ / / / / /

Witness my hand and official seal at Muskogee this the 17 day of Feby 1897.
(SEAL) (signed) J. Q. Tinsley, Clk."

Indorsed: "Court of Appeals No. 1864. receipt for original papers in the case of Joanna Barber et al vs. Cherokee Nation. Received and filed this . . . day of . . . 189. . . Secretary."

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"IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY,
NORTHERN JUDICIAL DIVISION, AT MUSKOGEE, I.T.

Joanna Barber Onis E. Barber, William R. Barber, James F. Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Ida Moore, Attie L. Hunt, Alsey J. Smart, APPELLANTS.

VS

CHEROKEE NATION, APPELLEE.

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Come now the appellants in the above entitled cause and petition the Court to grant an appeal in said cause from a decision of the Commission, known as the Dawes Commission, created and empowered to treat with the Five Civilized Tribes of Indians, to-wit: the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Indians, and to pass upon and decide applications for citizenship in the said Five Civilized Tribes, which decision by said Commission was rendered by authority of, but not in accordance with, an Act of Congress passed and approved June 10th, 1896, and by which decision on the 29 day of October, 1896 the aforesaid appellants were denied their rights to citizenship in the Cherokee Nation, Indian Territory.

The facts relied upon by the appellants to establish their rights to citizenship in the Cherokee Nation, as aforesaid are as follows: to-wit: The affidavits of E. Dawson, S. M. Dawson T. A. Dawson, F. M. Dawson.

Said affidavits fully and conclusively establishing the fact that said applicants are Cherokee Indians, by blood and descent, and entitled to rights of citizenship in the Cherokee Nation.

Said affidavits, together with the application, of said appellants, were, prior to September the 10th, 1896, filed with and submitted to said Commission for its investigation, consideration and decision.

That a certified copy of said application, together with the accompanying affidavits, were served upon the Chief, or Attorney General, of said Cherokee Nation, prior to September the 10th, 1896.

The errors of the Commission in rejecting the claims for citizenship of said appellants are grounds for appeal to this Court, to-wit:

FIRST. The Commission erred in rendering its decision on said claims adversely to the appellants and against the proof submitted by said appellants.

SECOND. The Commission erred in investigating the claims of appellants and denying same in the absence of a majority of the members of the Commission.

THIRD. The Commission erred in refusing the appellants the right and privilege of examining the proof submitted by Appellee in support of the answers filed by the appellee and denying the appellants the right of filing replication to appellee's answer or producing proof in rebuttal of same.

FOURTH. The Commission erred in denying the appellants the right of a trial of their claims by a competent jury, as guaranteed to them by the law and constitution of the United States.

FIFTH. The Commission erred in refusing appellants the right to be present in person, or by attorney, during the trial and determination of their claims before the said Commission.

SIXTH. The Commission erred in refusing to issue process for witnesses and to send for persons and papers upon request to do so by the appellants.

SEVENTH. The Commission erred in deciding against the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in deciding against said, holding that blood was not a test of the right of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the question of residence, holding that residence in the Cherokee Nation was not a test of the right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their docket or record the grounds upon which the claims of appellants were denied and refusing to notify appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims and deny the same.

TWELVTH. That the Act of Congress approved June the 10th, 1896, was unconstitutional and had no power or legal right to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

THIRTEENTH. That Congress had no power by enactment to create, appoint and empower a judiciary, and said Commission erred in denying the claims of said appellants without any legal authority to do so.

Therefore, the appellants of this cause pray that an appeal be granted to this Court and that a trial, de novo, be granted the appellants, and that said appellants be permitted to introduce new testimony, and that an order be made requiring said Commission to send all pleadings, papers and records filed before said Commission in this cause to the Court, in the Cherokee Nation, that appellants may be heard, etc.

at this Court and plead and defend against the said appeal, showing why the appellants should not by the rules, orders and decisions of this Court be adjudged entitled to citizenship in the said Cherokee Nation, and the appellants will ever pray.

(signed)

W. B. Watts,
A. H. Garland,
W. J. Watts,
Attorneys for Appellants."

Indorsed on back: "Cherokee Citizenship Case, No. 90 Joanna Barber et al vs Cherokee Nation Filed Dec 23 1896 Jos A Winston clerk Watts, Garland & Watts, Attorneys for Appellants."

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"SUMMONS.

In the
United States of America,)
Indian Territory,) ss.
Northern District.)

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the Northern District, Indian Territory:

You are commanded to summon the Principal Chief of the Cherokee Nation, or the Attorney General of said Nation, to answer on the first day of next May term of the United States Court for the Northern District, Indian Territory, at Muskogee, Indian Territory, being the 4th day of May, 1897, A.D. 189-- a petition praying an appeal from the decision of the Commission to the Five Civilized Tribes duly filed in said Court by Joanna Barber, Chas E. Barber, Wm R Barber, Jas M Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Emma Moore, Attie L. Hunt, Alcey J. Swart, who claim to be entitled to be enrolled as citizens of said Nation, to the United States Court for the Northern District, Indian Territory, which petition is now pending in said Court, and have him notified that failure to answer petition within thirty days from the time of the service of this writ, the same will be taken for confessed, and you will make due return of this summons within ten days after the actual service of this writ.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, this 26th day of Dec. 1896 A.D. 189--

(signed) J. A. Winston, Clerk.

(SEAL)"

"MARSHAL'S RETURN.

I received this summons the 26th day of December A.D. 1896 and served the same as follows: W. T. Mitchell, Attorney for Cherokee Nation Indian Territory Accepted service this 28th day of December A.D. 1896 by delivering a true copy hereof.

(signed) W. T. Mitchell

U.S. Marshal

By ..... Deputy."

Indorsed on back as follows: "Citizenship Case No. 90 No. 8,, Nation... Sup ons....Atty's Claimants."

"Joanna Barber et al.
vs. No.90.
Cherokee Nation,

Mr. H. A. Gibson, Special Master, to who this case was referred, submits the following report:

'IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,
NORTHERN DISTRICT, AT MUSKOGEE.

JOANNA BARBER ET AL)
-VS)- : NO. 90 REPORT OF SPECIAL MASTER.
THE CHEROKEE NATION.)

---oOo---

I, H. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings herein, which is hereto attached and made a part hereof, and that I find as follows:

I

This this cause was instituted on September 9th, 1896, before the Dawes Commission to the Five Civilized Tribes, by Joanna Barber, and Isaac J. Barber, her husband, and their Children, Onis E., William R., James E., Johnnie and Joel A. Barber. That Joel A. Barber has the following children, Hattie Tolliver, George A., Frankie O., Jesse and Ethel Barber. That the application includes also Mary A. Boyer and her child Inez Boyer, Emma L. Murphy and her child Claud Murphy, Emma Moore and her children Anna J., Jackson D., Mary M. Gladys, Attie L. Hunt and her child Dorman Hunt, Alley J. Stuart and her children Georgia A. and Emzey M. Stuart, Jennie J. Garlinghouse and her children Lyrtie C., Cora L. and Bertha M. Garlinghouse. That this application was by the Commission tried and rejected on October 20th, 1896, with no exceptions save for the decision, and that subsequently on December 22, 1896, the claimants appealed to this Court. That the parties all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be admitted to citizenship in the Cherokee Nation by reason of their descent from Polly Rogers, who is claimed to be a Cherokee Indian by blood. That there filed in support of their application the affidavits of S. P. Dawson, E. Dawson, Francis M. Wilson, and W. A. Dawson, who testify that Joanna Barber is the daughter of Elizabeth Perry, deceased, who was the daughter of Polly Rogers, who was a full blood Cherokee Indian, and Carrol Dawson, who testifies that Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann, that these witnesses are all Cherokee citizens by blood, and [illegible]

claimants, and according to their testimony, related to them by blood.

The appellee introduces to contravert this testimony the decision of the Cherokee Commission on Citizenship, rendered in the year 1907, in which these claimants were rejected by this Commission and also the affidavits of E. C. Rogers a grandson of Captain John Rogers, and Mrs. Sarah Carter, a granddaughter of Captain John Rogers, both of whom state that they never heard of any daughter of said Captain John Rogers by the name of Polly Rogers, and that Cynthia Rogers was his only daughter.

III

The claimants contend that they are residents of the Cherokee Nation, and are relatives of the Dawson family, who are recognized citizens of the Cherokee Nation by blood, and entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal West; that his name does not appear on the rolls of the Cherokee Nation, and that he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

The premises considered, in view of the unsettled condition of affairs in the Cherokee Nation at the time when Captain John Rogers, the ancestors through whom these claimants trace their Cherokee blood, lived, and especially in view of the absence of a marriage law and of records pertaining to marriage, I am of the opinion that these claimants have proved that they are descended from Capt. John Rogers, who resided in the Cherokee Nation, and was a recognized citizen, though they do not show that he was ever enrolled as such, and I therefore find that the claimants are all residents of the Cherokee Nation, Indian Territory, and that they are all Cherokee Indians by blood. That they have resided in the Cherokee Nation since 1907, and probably longer, though the proof does not state definitely how long they have so resided.

I ask that the Court allow me a reasonable fee for my services here in as Special Master.

Respectfully submitted this 16 day of August, 1907.

(signed) W. A. Gibson,
SPECIAL MASTER.

My fee paid.

No Exceptions Filed."

BY THE COURT.

From this report it appears that the claimants have their right to be enrolled as citizens of the Cherokee Nation upon the grounds that they are the descendants of a Cherokee Indian by blood, but their ancestors through whom they claim have never resided in the Cherokee Nation as now constituted. It appears that they have resided in the Cherokee Nation since 1907, and probably longer, though the proof does not state definitely how long they have resided. It does not appear that the claimants or any of their ancestors have ever been recognized as members of the Cherokee Nation.

The judgment of the United States Commissioner rejecting this case is affirmed, and the application of the claimants

to be enrolled as citizens of the Cherokee Nation is denied."

Indorsed on back: "SC No.7 Joanna Barber et al vs Cherokee Nation, Final Report of Special Master, Filed August 17, 1897, Jas A. Pinston, Clerk."

Foregoing papers in Joanna Barber case enclosed in jacket indorsed: "SC Joanna Barber et vs Cherokee Nation."

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"NOTICE.

SC
UNITED STATES OF AMERICA) In the United States Court for
INDIAN TERRITORY (SS said District.
NORTHERN DISTRICT.) In the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation.

To the Commission to the Five Civilized Tribes.

You are hereby notified that an appeal has been taken in the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said Court to transmit at the earliest time practicable to said Court, at Muskogee, Indian Territory, a transcript of all the entries made in the docket of your tribunal relating to the case, together with the depositions and testimony taken before said tribunal; the decision thereof on the application, and all original papers relating thereto.

Witness the Honorable Will H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 27 day of Dec. 1898. A.D. 189--.

(SEAL) (signed) J. A. Pinston, Clerk."

Indorsed: "No. 1864 Joanna Barber et al vs Cherokee Nation, APPEAL ORDER OF U. S. COURT."

Foregoing paper enclosed in jacket marked: "No. 1864."

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BY MR. HUTCHINGS:

We now introduce the original record in the citizenship case of Irene J. House, et al., before the Commission in 1896, the Court number of said case, 238, said case being denied by the Commission; appealed to the United States Court, and the decision of the Commission affirmed.

In this case I desire to call especial attention to the certified copy filed therein of the testimony of Arthur Fisher, the certified copy having been made in 1894, being the testimony of Dr. Fisher in the case of Robert Lawson against the Nation, Number 198, before the Citizenship Commission, and which was made January 13, 1894.

BY MR. McKENNON: To all of which the applicants object, because the case is immaterial, irrelevant and incompetent.

The papers in Court No. 238, just introduced above, are as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19, 1882.

No. 108.
Robert Dawson et al) Exhibit C.
vs
Cherokee Nation.)

Testimony for Claimants.

Witness, Dr. Arthur Baker sworn testified as follows:
My name is Arthur A. Baker I reside at Berryvill Arkansas Carroll County my age is 73 years I am not a Cherokee. I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carrolls County some 35 years - At my Mothers house near Calhoun I became acquainted with the claimants Robt Dawson grandmother on mother's side she was frequently at my mothers house though she Anna Pruet lived in the Nation side; She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee, the first time she brought the claimants mother to my mothers house she the mothers mother was about grown when I was a little boy. She called her daughter Polly Rogers, Said Captain John Rogers who ran a boat up the River was the father of the child; I saw the girl frequently there at my Mothers and there at Louis Ramses Store.

I saw her occasionally until I was 15 or 16 years of old and I think then Old Capt. John Rogers took her off to school, I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson, I stayed all night there and we had a talk over our old matters and I asked her where she became acquainted with Dawson and she said at the time she was going to school and she said after she left school that Dawson followed her home, to the Nation and they were there married. I have told that precisely in the words that she used, Capt John Rogers claimed to be one fourth Cherokee. The claimant is the son of Polly Rogers, and I know Polly Rogers to be the daughter of Anna Pruett and I know the claimant to be the son of Polly Dawson.

Capt. Rogers then resided in the Cherokee Country about twenty (Word "twenty" marked through) twelve miles below Calhoun on the Hiwassee River Anna Pruett resided in the Cherokee Nation as long as I stayed there the last time I got acquainted with them Arkansas were recognized that they were as Cherokees. Robert Dawson children is Buck, John, Dorian and two girls, The children named in the petition I recognized as being the claimants.

Question by Solicitor:

Q. 1 How many children did Polly Rogers have?
Ans. 1 Five I think that's all
Q. 2 Did you ever hear of her ever being married twice?
Ans. 2 She was married twice.
Q. 3 Could Anna Pruett speak Cherokee?
Ans. 3 Yes, she could speak it well.

Ques 4 Did Polly Rogers speak Cherokee?
Ans. 4 She did when she was young.
Ques 5 How far did you live from Anna Pruet?
Ans. 5 Just across the river about 3/4 of a mile.
Ques 6 Was Calhoun in the Cherokee Nation?
Ans. 6 It was on both sides of the river part in the Nation and part out in the State.
Ques 7 Which Marriage was it went to Texas?
7 George went first, then John went, they were the sons of old man Marriage, that lived up near the line.
Ques 8 Did the Claimant go to Texas?
Ans. 8 No the Claimant did not go to Texas.
9 What connection was claimant and Polly Rogers?
9 The Claimant is the son of Polly Rogers
Marion here is the grandson of Polly Rogers.
10 Where does claimant now live?
10 He lives in Carroll Co Arkansas.
11 Do you know what relation old Capt John Rogers was to Charles Rogers here in Cooweescoowee?
11 They claimed kin but what kin I dont know there were two Capt John Rogers in the Nation I am speaking of the time when I first came to this country about the year 1830.
12 Was Anna Pruet the maiden name of claimants grandmother
12 Yes that was her maden name the Indian called her Sinee

his
(signed) Arthur x Baker
mark

Witness hand paralyzed is the reason why he signed by a mark thus x

I R T Hanks Assistant Executive Secretary do hereby certify that the foregoing document is a true and correct of the original as appears of record in the Executive Department of the Cherokee Nation.

Given under my hand and the seal of the Cherokee Nation on this the 5th day of December 1894.

(signed) R. T. Hanks,
(seal) Asst Exec Sec.

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"To the Honorable the Dawes Commission on Citizenship in the Five Civilized Tribes in the Indian Territory:

Your petitioner, Irena J. House, undersigned, respectfully states that she is a Cherokee Indian by blood, as asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That she derives her said Indian blood from Jeanah Barber her mother, who is a Cherokee Indian by blood the said Joanah Barber being a daughter of Elizabeth Petty who was the daughter of Polly Rogers and Samuel Dawson, the said Polly Rogers being the daughter of Captain John Rogers and Anna (alsy Vann) Pruet, Cherokee Indians, as shown by a certified copy of the affidavit of Dr. Arthur A. Baker, which is hereto attached as Exhibit A also affidavits marked exhibits B- C- D- and E.

Your petitioner states the above facts as the lawful grounds for her application for citizenship in the Cherokee

Nation, and prays that her claim may be fully investigated by your Honorable Commission and that she be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 34 years. My Post Office address is Talala, Ind. Ter. My family consists of the following named persons: My husband and children as follows:
W. J. House, aged 34 years; Chas. C. House, aged 9 years; Vinson T. House, aged 8 years, Anny V. House, aged 5 years.

WITNESS my hand this 19 day of August 1896.
(signed) Irene J. House.

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Northern Judicial
District, Ind. Ter. SS.

Personally appeared before me, the undersigned authority, Irene J. House, to me known to be the petitioner in the above petition, who being by me first duly sworn upon her oath says that she is the petitioner in the above petition, that she has read (or heard read) the said petition and that the facts stated therein are true, as she verily believes.
(signed) Irene J. House.
Subscribed and sworn to before me at Talala, Ind. Ter. this 19 day of August A.D.1896.
(signed) J. Barricklaw,
Notary Public, My commission expires
(seal) June 8 1899."

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"Exhibit A.
Northern Judicial Division,
Indian Territory.
Joanah Barber being duly sworn according to law, on oath states: My name is Joanah Barber I am 61 sixty one years old. My Post office address is Watova Ind Ter- My husband occupation is farmer I am a Cherokee in Coowescoowee Dist I am a Cherokee Indian by blood my mother being Elizabeth Petty (nee Dawson) Daughter of Samuel Dawson and Polly Dawson (nee Rogers) and said Polly Rogers is a daughter of Capt Rogers and Anny Vann (commonly called Aney Vann) the following Irene J. House is my daughter; she was born in Williamson County, Texas [illegible] 13" 1862, moved with her husband children to the Ind. Ter. and settled near Talala I Terry
(signed) Joanah Barber
Subscribed and sworn to before me this 19 day of Aug. 1896.
(signed) J. Barricklaw,
Notary Public, My commission expires
(seal) June 8 1899

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"EXHIBIT [illegible].

Indian Territory,
Northern Judicial District ss.
[illegible] being duly sworn [illegible]
[illegible] says:

My name is F. M. Dawson; I am 54 years of age; my post office address is Afton Indian Territory I am a farmer by occupation a d reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my grandmother whose maiden name was Polly Rogers through my father Robert Dawson, My grandmother Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee. My grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1832 and settled in Western Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory, Robert Dawson, the father of the affiant was also a recognized citizen of the present Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson father of this affiant and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of said Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers The said Elizabeth Petty was the mother Of Joanna Barber who is a full cousin by blood of this affiant in the Indian side. The said Joanna Barber is the mother of Irena J. House nee Barber who is a second cousin of this affiant in the Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and drew their per capita money all the last payment; said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, deraves her Indian blood and right.

This statement I have made to John H. Koogler, a Notary Public at Muskogee Indian Territory and it has been written down by him at my dictation. Such part of this testimony which refers to matters occuring previous to my recol ection I know by means of family history and traditions which facts I have always been taught and told of by my parents and grand parents from childhood up, ts facts stated as occuring since my childhood I know of my personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irena J. House for citizenship in the Cherokee Nation.

(Signed) F. M. Dawson."

"Indian Territory,
Northern District.

I John H. Koogler, hereby certify that the annexed and foregoing statement and affidavit was dictated to me by F. M. Dawson and was subscribed and sworn to by him and was written by me from his oral statement at my office in Muskogee Indian Territory this 14 day of August 1896, and I further certify that the said F. M. Dawson is personally known to me and that he is a creditable person and entitled to be so.

(Seal) (Signed) John H. Koogler,
Notary Public."

Northern Judicial District,
Indian Territory. EXHIBIT D.

E. Dawson, being duly sworn according to law on oath states: My name is E. Dawson; I am 61 years old; My post office address is Talala, Ind. Ter. I am a Farmer by Occupation, and reside in Coowescoowee District- Cherokee Nation. I am a recognized Cherokee Indian by blood, and exercise all the rights and immunities of a Cherokee Citizen now living in the present Cherokee Nation. I was born in Carroll County, Arkansas near Berryville. I derived my Cherokee Indian blood from My Grandmother Polly Rogers through my Father, Robert Dawson. My grandmother Polly Rogers was a Cherokee Indian and was married to my grandfather Samuel Dawson in the old Cherokee Nation in Tennessee. My Grand Parents, Samuel Dawson and wife Polly Dawson whose maiden name was Polley Rogers came West from the Old Cherokee Country in about the year 1828, and settled in Western Arkansas, and later came on to the Cherokee Nation. My Father Robert Dawson was a recognized Member of the Cherokee Nation when he died, by reason of his Cherokee Indian blood.

The said Robert Dawson, the father of this affiant, and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of the said Samuel Dawson and Polly Dawson his wife the same Polly Rogers as aforesaid. The said Elizabeth Petty was the mother of Joanah Barber who is a full cousin by blood of this affiant on the Indian side, the said Joanah Barber is the mother of Irene J. House, whose maiden name was Irene J. Barber and a second cousin of this affiant on the Cherokee Indian side. This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians of the present Cherokee Nation and exercise all the rights and privileges of such Cherokee citizens, they having drawn their shares of the Strip Money at the last per capita payment made by the Cherokee Nation.

Said citizens and relatives derived their Cherokee Indian blood from the same source, as did the above named Irene J. House.

I have made this statement before J. Parrichine, Notary Public at Talala, Ind. Ter, and affiant further states that he has no personal interest in the prosecution of the claim for citizenship in the Cherokee Nation of the said Irene J. House.

That the above facts which are within the personal knowledge of the affiant or within his years of discretion he knows personally, and the other facts that occured before the recollection of affiant he testifies to as that he has been taught from his family history and traditions.

That the relationship existing among all his people in the Cherokee Nation he knows by his personal knowledge and that they are related to the Cherokee Indian side.

(signed) E. Dawson.

Subscribed and sworn to before me this the 19 day of August 1896

(signed) J. Parrichine,
Notary Public, Northern Judicial District, Indian Territory.
(Seal).

"Cherokee Nation,
Coowescoowee District. EXHIBIT E.

Before me the undersigned authority this day, personally appeared W. A. Dawson who is to me well and personally acquainted, and after being duly Sworen; deposeth and says, that he is well acquainted with Irena J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of Joann Barber, who is a neice of Robt. & James Dawson, who are both Cherokee Indians And recognized citizens of the Cherokee Nation.

Affiant further states that Irena House is the grand daughter of Mrs. Petty, who was a full sister of Robt & James Dawson.

Affiant further says that he knows that Irena House is a lineal descendant of Annie Dawson whose ~~children~~ (line drawn through word "children") sons, Robt & James before spoken are recognized citizens.

Affiant further says he has no interest in this suit.

(signed) W. A. Dawson.

Sworn and subscribed to before me this 17 day of August 1896.

(signed) William Lynch
Notary Public.

(Seal) My term expires Feb 6 1900."

Foregoing indorsed on cover as follows:
"No: 3099 5464 Before the Dawes Commission on Citizenship in the Five Tribes. Irene J. House V.S. The Cheroke Nation. Petition and Proof, Will E. Linton, for Petitioner. Filed Sept 8 1896 A. S. McKennon, Com'r. Denied. Filed Feb 26 1897 Jas A. Winston clerk."

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"Received of M. M. Jacoway, jr., Secretary to the Commission to the Five Civilized Tribes the original papers in the cause of .... vs..... Nation, as follows.....
Witness my hand and official seal at Muskogee this the 26 day of Feb' 1897 J. A. Winston, Clerk."
(Seal)"

Indorsed: "Court No.258 No. 5464 Receipt for original papers in the case of Irenn J. House vs. Cheroke Nation, Received and filed this ..... day of..... 189..."

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"Irene J. House et al,
vs, No. 258
Cherokee Nation.

Mr. W. A. Gibson, Special Master to whom this case was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSKOGEE.

IRENE J. HOUSE ET AL

VS # 238 REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION.

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I, W. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings on file in this case which are made part of this report, and that I find as follows:-

I

That this case is in reality a branch of Case No. 90, Joanna Barber vs Cherokee Nation, the principal claimant herein being Irene J. House a daughter of Joanna Barber.

That this cause was instituted on September [illegible], 1896 at which time application was made to the Commission to the Five Civilized Tribes for citizenship by blood in the Cherokee Nation.

That this case was tried by the said Commission on November 24, 1896 and the applicants denied, no reasons being given for the decision, and that on January 20, 1897, the parties appealed from said decision to this Court.

That this application was made by Irene J. House, her husband, W. J. House, and their children Chas., C. Winston T., and Henry V. House. That they file in support of their application the affidavits of Joanna Barber, T. . Dawson, Arthur A. Baker, E. Dawson, and W. A. Dawson. That these Dawson witnesses are citizens by blood of the Cherokee Nation, and state that they are related by blood to the claimants herein on the Cherokee side. The claimants base their contention of a right to Cherokee citizenship upon the fact that the claimant Irene J. House is the daughter of Joanna Barber, who is the daughter of Elizabeth Pettyjohn, who was the daughter of Polly Rogers, and that Polly Rogers was the daughter of John Rogers and Ailsey Vann, who were recognized Cherokee citizens by blood. That the testimony shows that the Dawson witnesses are recognized citizens of the Cherokee Nation, and that the claimants herein are cousins by blood upon the Indian side, and that they all claim through a common ancestor, Polly Rogers and Captain John Rogers and Ailsey Vann, who were all recognized Cherokee Indians.

II

The attorneys introduced in defense the records of the application for citizenship in the year 1896, and the records of the application of the claimants, and a number of the affidavits of [illegible] Mrs. Sam Carter, [illegible] daughter both of Polly Rogers and Captain John Rogers and sister of Polly Rogers, and the only [illegible] Cynthia.

III

The claimants state that they are [illegible] Cherokee Nation and are relatives of the [illegible]

recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name does not appear on the rolls of the Nation, and that neither he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

IV

The premeses considered, I find that the claimants are the descendants of Captain John Rogers, and that it was entirely possible that in the condition of arrairs at that early date in the Cherokee Nation, especially owing to the absence of a marriage law and of records pertaining to marriage, that the claimants should be the descendants of Captain John Rogers by a daughter, Polly Rogers, of whom the affiants for the defendee may never have heard.

I find that the claimants are residents of the Cherokee Nation, Indian Territory, where they have resided since 1887, and that they are Cherokee Indians by blood.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted, this 9 day of Nov 1897.

(signed) H. A. Gibson,
Special Master.

My fee paid,
No Exceptions filed."

Foregoing papers indorsed on cover as follows: "238, Irene J. House et al V Cherokee Nation Final Report of Special Master, Filed Nov 10 1897 Jas A. Winston, Clerk."

Foregoing papers enclosed in jacket indorsed as follows: "238, Irene J. House, et al vs. Cherokee Nation."

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BY MR. MCKENNON:

Well we close for the present.

TESTIMONY INTRODUCED ON BEHALF OF THE APPLICANTS:

[illegible] being first duly sworn, and being examined, testified as follows:

[illegible]

Q What is your name, age and residence? A My name is H. W. C. [illegible] my age is 72 years, my residence, Vinita, Indian Territory.
Q Are you a duly recognized citizen of the Cherokee Nation by blood? A I am.
Q You have testimony in this case once before did you not, before the Dawes Commission? A I did.
Q Before this Commission I will say, this Commission? A The Dawes Commission? A Why I don't recollect who the Commissioner was, that was taken at Vinita, ex parte.
Q Were you in any way connected with the Cherokee Citizenship Commission in 1893 known as the "Tehee Commission"? A I was Clerk of that Commission.

Q For what length of time? A I don't recollect the exact length of time, I think it was about thirty days, during the continuance of that Commission, existance of that Commission.
Q You were the only clerk it had during its existance were you?
A I think I was.
Q You were Clerk of that Commission when it rendered a decision in favor of Robert Dawson et als, as found on page 114, of its record, numbered 108 (witness examinee record referred to.) now in your possession of this Commission? A I was.
[illegible] members of that Commission were the same as shown by the [illegible] to this judgment were they? A The same, yes, sir.
[illegible] Breece, President of the Commission, Alex Wolfe and T. F. [illegible] Commissioners, that is correct, is it? A That's correct.
[illegible] of this case was under consideration by that [illegible] when it rendered this judgment in the case? A I was.
[illegible] at the time represented with F. M. Dawson, so I only [illegible] Taylor and Samuel H Benge, who were [illegible] what were their [illegible] attorneys at that time? A I might [illegible] Perry know Mr. Dawson; all I know of him was I saw him [illegible] to the suit. I know Mr. Taylor and Mr. Benge [illegible] extensively; I have known them a number of years.
Q They were recognized Cherokee citizens were they? A They were.
Q Was Taylor not known generally as a Citizenship Attorney?
A I think he was.
Q Do you remember seeing him and Benge present at the time this case was under consideration by the Court? A Why I do not recollect seeing Mr. Benge, I cannot recollect, but I can recollect of seeing Mr. Taylor about the Court room now and then.
Q Do you know who submitted the case to the Court for the applicants? A Let me understand the meaning of that; who brought the case?
Q Who called up the case? A No, I don't recollect.
Q Do you remember whether that Commission rendered any other decision than that found upon this record in that case? A I never had any knowledge only but one decision.
Q Was that in favore of or against the applicants? A It was in favor of them; I will say this: that if there was another decision [illegible] than the one that appears on the docket now before you, I [illegible] no recollection of it.
Q The only decision you have any knowledge of was re ordered by you in this book as here shown was it not? A That is the only one that I have any knowledge of.
Q [illegible] Dawson pay you any money in connection with that case?
[illegible] pay you any money [illegible] your influence
[illegible] A Never.
[illegible] either directly or [illegible] any other
[illegible] in that case?
[illegible] said to the Court
[illegible] influence-
[illegible] A None whatever.
[illegible] observed his conduct during that
[illegible] A The only [illegible] I had was [illegible]
[illegible] Commission [illegible] of his [illegible]
[illegible] Commission [illegible] in
[illegible].
Q Do you say any[illegible] in his conduct toward that Court which [illegible] he had used undue influence [illegible] that

ment. A I never observed anything of the kind; nothing that awakened a suspicion in my mind that he was engaged in that kind of practice.
Q Did Campbell Taylor at any time after the rendition of that judgment pay to you any money as coming through him from Bud Dawson for any services which you had rendered to him in that case?
A Yes, he paid me some.
Q What amount? A My recollection is that, I think it was a twenty dollar bill. I don't know but I had better go and state the transaction, all about it.
Q Yes, sir. A Mr. Dawson, Bud Dawson, during the trial of the case occasionally applied to me at my desk for writing paper, issue of a subpoena or transcript, something of that kind; I always treated him with courtesy and proper official consideration. He seemed to appreciate it, and whenever I did services of that kind to him, says he, I have no money, Mr. Duncan, but I feel as I ought to pay you. I told him I made no charges for work of that kind, And in passing I might state that I never received a cent for any kind of that work which I had been in the habit of doing for various parties before the Court.

After his trial was concluded, in the afternoon a little while before supper time I went to my hotel, The National Brick Hotel in Tahlequah; went to my room, felt a little tired, laid down upon the bed to rest. I recollect Mr. Duncan stepped into the room, drew a chair up to the bedside and sat down and commenced giving expression to his gratification at the success of his case, dwelling mostly upon the testimony in the case being so satisfactorily, establishing his Cherokee blood, and that he thought that he was entitled and that he had received justice by the Court. I listened to him, and we talked there I guess some ten or fifteen minutes; after a little he says, I must go to-morrow, I think he says to-morrow, I must go home,- he then lived down in Arkansas somewhere. Says he, Mr. Duncan, I believe I owe you something, ought to pay you something. Alluding, as I understood, to these little courtesies that I extended to him at my desk. Says I, I make no charges, Mr. Dawson, for services; if I have done you any good you are welcome. Well, says he, I feel indebted to you, I ought to pay you. I says, that makes no difference; I will leave that to you. Says he, I have hardly enough money to get back home. He shook my hand, and the last word he says to me, you shan't lose anything for your kindness to me. I thought it had reference to my services at the desk. That was the last I saw of Mr. Dawson, oh it must have been a year afterwards; I had located a little claim on the public domain up there in Delaware District, staked off what I intended to be a farm, merely stakes, I didn't make any other improvements, over there on Horse Creek. Went over in that part of the country to look after my claim, and I ran across Mr. Dawson, he had come into the Country and located and built him a little shanty and was living in it; I called upon him, he was very glad to see me; I asked him what he was doing there; he said he had moved into the country, and I told him, says I, you are encroaching upon me here; he had spread his claim over part of mine, mine had been made so long it was outlawed under Cherokee law. Well, says Mr. Dawson, I don't feel like doing you any wrong, I will pay you for your claim, and we will settle the matter in that way, that he as soon as he got his little matters together that he would satisfy me for it. Well we parted at that point. It ran on then for a long time, I don't know how long,- I think I met him in Vinita, and says he, did Camp Taylor pay you any money that I sent to you? Says I, No, I have not seen Camp Taylor.

Well, says he, I gave him some money and told him to hand it to you for me, and, says he, you ask him and he will hand it over to you I guess. Well we parted then. Well, went on for some time, some months; I happened to meet Mr. Taylor in Tahlequah; I met him on the street I think, peculiarly I slapped my hand on his shoulder, says I, look here, did Mr. Dawson any money to me by you? He says, yes, and he pulled out what I recollect to be a twenty dollar bill, and handed it to me; I received it, and I received it with the idea that he was compensating me for taking my claim, or possibly for doing him these little services in the Court. Now that is the sum and substance of the whole thing.

Q Was not that twenty-five dollars, Mr. Dawson? A It might possibly have been, my recollection does not serve me exactly, it might have been 25 dollars.

Q Did Campbell Taylor pay you any other money as coming from Bud Dawson? A Never a cent.

Q Did he at one time pay you fifty dollars out of a hundred dollars which he had received from Mr. Dawson? A Never.

Q Did he on a second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson? A None at all.

Q He paid you no other money than that you have already stated, from Mr. Dawson? A Not a cent.

BY MR. McKENNON: We offer in evidence the judgment of the Cherokee Citizenship Commission before referred to, and ask that it be filed in evidence in the case of every application made by members of the Robert Dawson family who claim under it, or through Robert Dawson, as citizens of the Cherokee Nation, said judgment being found on page 114, Records of the Tahlequah Court, 1880 to 1884, case number 108, judgment dated January 11th, 1883, signed by Thomas Taher, President, Alex Wolfe, T. F. Thompson, Commissioners. D. W. C. Duncan, Clerk Commission.

The said judgment just introduced is as follows:

"Office Commission on Citizenship,
Tahlequah, C. N., September 24th, 1881.
No. 108
Robt Dawson,
Elbert Dawson,
Jasper Dawson,
John Dawson,
Josephine Dawson,
Joseph Dawson, Petition for Citizenship
Jane Dawson,
Molly Dawson,
Wilbron Dawson,
James Dawson,
Final Dawson,
vs.
Cherokee Nation.

Continued by the Plaintiff, Oct. 5, 1881.

January 13th, 1882.
The above case continued by the Cherokee Nation till next.

Dawson. Agreed by the parties that the case shall not be taken up for final disposition before the 4th day of Oct. 1883.

October term, 1883.

It is agreed by the parties that this shall be finally disposed of at the next January term of the district court demanding the same, if not the case shall be taken up at the September term, 1883.

On motion it is ordered that Commission continues the case till the next January term to-wit, January 1884.

And now this the 11th day of January A.D. 1883 this cause coming on for hearing, and all the evidence produced in the case being carefully read and duly considered by the Commission, and the issues and determined by the Commission on Claimants that the Dawsons, Robert Dawson, F. H. Dawson, Elbert Dawson, Joseph Dawson, John Dawson, Jr. Robinette Dawson, Green B. Dawson, Mrs. Dawson, Mollie Dawson, Wilborn Dawson, Jared Mason, and Mrs. Dawson are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizens while within the Cherokee Nation, and that they should be, and they are hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

(signed) Thos. Tehee,
Presidnet of Com.

D. W. C. Duncan,
Clerk of Commission.

Alex Polite,) Commission,
T. F. Thompson,) ers.

Transcript issued to Claimants, January 11th, 1883.
(signed) D. W. C. Duncan, Clerk."

Marginal Note: "Case submitted by Claimant January 11th 1883. Case submitted by Solicitor January 11th 1883."

Q Do you remember how many members of the Court were present when this judgment was rendered, or were all of them? A My recollection upon that point is not positive, but it is my opinion upon that I know to be the practice of the Court at the time, seeing the Rules of All there Commissioners there, I can say with a great deal of confidence that they were all present, because I never signed the name of one of the Commissioners unless he was present, or authorizing it or directing it.

Q The judgment of that judgment then was concurred in by all of the three judges? A It was.

Q If, however, there had been a decision rendered the day before in this case while the Court was in session, adverse to those Claimants, would you have known it? A I certainly would have known it.

Q Was there any such decision of the Court? A None to my knowledge. I can say positively there was not.

Q How many of those judges are now living? A Only one.

Q Which? A Mr. Thompson.

Q Tehee and Polite are dead? A Tehee and Polite are dead.

Q How long have they been dead, Colonel? A I do not know, quite a number of years. I wasn't living there, never lived near them when their death occured, and I suppose occured perhaps a long time before I got knowledge of it. It is generally understood that they are dead.

Q Do you recall that you were sworn [illegible] of the Peace [illegible] A I have been sworning, and I recall being given that I was sworn [illegible] excepting how, [illegible] Q [illegible]

(At this point A. [illegible] was seen sitting in the room in which the examination is being held, is called forward, sworn on behalf of the Government, and asked to retire until called.)

M. P. [illegible]

Q Mr. [illegible], have you been a clerk of the Tofino Collection District [illegible] A I was appointed in December, 1934, at the time the Government [illegible] Q [illegible] Customs in Canada [illegible] A [illegible]

Q [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q You entered [illegible], I suppose, entered January, 1935? A Yes, that was the position of the appointment.

Q Then who [illegible] A Well I [illegible] Q [illegible] A [illegible]

Q '34? A I think it was '34.

Q You entered [illegible], entered January, 1935? A Yes, that was the position of the appointment.

Q Then who [illegible] A Well I [illegible] Q [illegible] A [illegible]

Q Well but then [illegible] Q [illegible] Customs [illegible] A No, I don't mean to say that.

Q How could you be clerk when [illegible] A [illegible]

Q [illegible] A [illegible]

Q Your first entry in the Journal of [illegible], isn't it? Q I can't recollect that my first entry was. (Attorney shows the record to witness) Yes, that is a entry I made on that day.

Q And that was shortly after you became clerk, wasn't it? A Yes, shortly after I became clerk.

Q The Chief had been entered upon the duties before you became clerk? A I think so, yes, he was entered upon the previous [illegible] of the operation of the Commission.

Q It states [illegible] and the nurse of the three Commissioners signed to that judgment A Damon and Grant

(Attorney shows record to witness again) A That is my handwriting.

Q At three o'clock? A All three names.

Q [illegible] Q [illegible] A [illegible]

Q [illegible] Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q Will you look at the original transcript hereby shown you and referred to in the judgment and say who signed the names of the Commissioners thereto? A (Papers shown to witness) A I signed them there.

Q You recognize that as your handwriting? A I do.

Q What made you when you were testifying at Tahlequah before Mr. Martin on looking at the same signatures, and being cross-examined by me, say that it was not your signature and that the signature thereto attached was the signature of Mr. Thompson? A Occurred in this way: I had not seen any of the records in the case for about nineteen years. The exact transaction in the court had vanished almost entirely from my memory: I recollected at that time, however, when I gave in my testimony before the Commissioner, Martin, that that was a practice of the Court at the time I served by which I signed the names of the full-blood members of the Commission, and Mr. Thompson either uniformly or occasionally signed his own name. I based my statement in that deposition upon my knowledge of the rule or practice in the Court, without comparing the docket and refreshing my memory. I made an incorrect statement when I said that that was not my handwriting; I am convinced now that it is my handwriting. That is the way it occurred, the way it happened.

Q Then you consider your recollection of the fact that Thompson when he was present and rendering a judgment signed it himself, better than your own knowledge of your own handwriting?

A No, I didn't so regard it. I simply spoke without advisement when I gave in that testimony; I subsequently became better informed and concluded that that was my handwriting and not written by Mr. Thompson under the rule, but was one of those cases in which he authorized me to do it myself, and I did it.

Q Then you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and not from the fact of your judgment on your handwriting at present? A I simply corrected my testimony in reference to my statement in regard to this handwriting, this case.

Q And you wouldn't know then as I understand you whether or not that is your handwriting if it was not refreshed by what you consider to be exterior facts? A I should know it by examining it, or thinking over the circumstances, I think I should recognize my own handwriting, but if a question should be propounded instantaneously without any advisement or preconsideration I might make a mistake.

Q You did recognize the names of Thomas Teher and Alexander Wolfe as being in your handwriting at that time? A I was very clear and positive, and so stated, that the names of those Commissioners were in my handwriting, and I was made certain by reflecting on the rule that they never signed their names with their own hand, but always authorized me to do it. Hence there is no question in my mind in regard to my handwriting in their signatures.

Q And then the third one right under it, as compared with your admitted handwriting, you had to wait and learn the facts afterwards to determine whether that was your signature or not? A No, I don't think that if I had considered the circumstances, I knew what I was testifying, what made me of the opinion that that might have been Mr. Thompson's signature was like this: I knew that he had been in the habit of at least sometimes signing his own name, and I was under the impression-and I do not now think I am much deceived- that his chirography be s at least some resemblance to my own, hence I doubted whether I had signed that name or not on that account.

Q You were also present at the time in your home when [illegible] and not prior, didn't he? A Up to noon I think that was roughly the position, not up to and including noon, but that not prior to -- not, any part of the morning I would say that I was.

Q And so either, maybe the night of, that he always -- that the original he left with me that morning? A I do not recollect what I stated, that I used the word "always", at that time, but at the time of our meeting when the condition was that I [illegible] that day, but after I went to school and explained the docket I was speaking of it I was upon -- I was occasionally I was out for him.

Q Then you never went out and took your testimony [illegible] like a year ago, a half a year ago, along until you explained the docket day before yesterday, and obtained your affidavit from Mr. Shannon? A I don't know that I have the first of it since that time until yesterday or day before the examination of the docket.

Q So the only recollection that you have got and the only aid to your recollection that Shannon was presentation this judgment was rendered and the fact that you and him have signed to it, in your handwriting, is it? A As a fact, --

Q You can answer that yes or no? A That aiding the recording aiding my recollection and I recollect now that the commissioners were all present at the time that I signed it. I didn't their names out of court at all.

Q Was it in the forenoon now or in the afternoon? A I don't recollect whether it was in the forenoon or afternoon.

Q In recollecting that they were all present when the record was signed, do you mean to say that they were all present when the judgment was rendered? A Yes, that is, you mean when the question of admission or rejection was voted upon?

A Yes. A They were present.

Q Did you write up the record at the time that they rendered the judgment, or make a memorandum of it, and then write up the judgment some days afterward? A The record was not written up immediately upon the decision of any case, but I wrote up the record after adjournment, generally in the evening, and presented it next day or upon the next session was had, for signature; that was the practice.

Q But in this parson case you wrote it up the very day that it was rendered, didn't you? A I didn't recollect as to that.

Q And gave that a transcript the very day it was rendered?

A I don't recollect as to that.

Q And indicated the giving of the transcript on the motion of the judgment the day it was rendered? A I should say it was given at the direction of the [illegible].

Q That was a very unusual thing for you to do in entering up judgments? A To do what?

Q To noteon the motion that you had given a transcript the same day the judgment was rendered? A No, I don't know that there is anything unusual about that.

Q Any other cases in that record or more than one in any event that you have ever done that? A I don't recollect, and I don't recollect of giving anybody else a transcript.

Q That is what I am getting at: you gave them a transcript and wrote up your judgment and everything right away? A Pretty promptly after the decision; whether it was the same day or the evening, and signed next day, I don't recollect.

IN THE MORNING HOUR OF WORK, AS THE CONVERSATION
ADJOURNS UNTIL TWO O'CLOCK P.M.

AFTERNOON SESSION. 2 P.M. PRESENT - HONORABLE [illegible]
PRESIDING. R. P. R. A. [illegible]
BY MR. MURDAUGH:

Q Do you remember what the verdict was in that case? A I could recollect but distinctly except Dr. Baker, I was a boy until because of the length of his testimony at the time it took to try it.

Q The Doctor was about the only distinct witness there was? A No, he was the only one now that I can call to mind.

Q There was probably another old darkey that testified was not there? A I have no recollection to that effect.

Q The case was just decided really on Doctor Baker's testimony, he is about the only man that knew anything about the case? A I am not certain that Dr. Baker was the only witness, I might have been given that now backed by recollection.

Q Doctor Baker's testimony was taken down in writing? A Yes.

Q There was not anybody else taken down in writing was there? A All the testimony that was accepted in the case was taken down in writing.

Q Did you ever see anybody's else testimony in writing except Dr. Baker in that case? A That is not as I recollect, I don't recollect any other but Dr. Baker's.

Q You know whether that was taken immediately before the trial or at the trial or how was it? A It was taken in the presence of the whole Court immediately during the session of the Court.

Q You can the day that case was decided or how? A I do not recollect whether the case was on trial more than one day, but my impression is that it was.

Q Do you know whether it was the same term of the court or not? A I think it was the same term of the Court.

Q How many terms a year did that Court have, when and how did they last? A I don't recollect of but serving one term.

Q Don't recollect of serving but one term? A Myself, it seems to me so.

Q You didn't go in until January of 1923 did you; your first record I see record of was the 14th of January 1923, as shown in the book, isn't it? A I don't recollect in that regard.

Q Now you'd have to testimony in the case, then continue it, and would they generally do about that? A I think they decided on the case at the term in which they took testimony.

Q Can you say whether or not this testimony was taken in this case the time it was decided or at the same term it was decided, or within a week or two of the time it was decided? A My best recollection is that it was taken at the term in which it was decided; that was taken up, testimony heard that the decision was made at the conclusion of the testimony.

Q Well now, I see on Judgment Roll, in your handwriting, the following entry reads: "It is agreed by the parties that this case finally be dismissed as at its next January term," I would say January, 1924, "if the case is not in readiness for trial, the case could be continued to the second term here, if the case is not in readiness for trial the case will be dismissed at the second January term, 1924." Now I would say it was [illegible]

Palmer and I remember both, for this reason that somebody in the January, 1853 term. The Palmer's testimony before the January 1853 term, at that time I am positive was rendered. A It is impossible for me to recollect those facts and the evidence there; although I can say about that, that the record shows the correct statement of the matter, but I can't recall those facts.

Q Well there is a record here that this case was continued on the 14th day of January, 1853, upon agreement that it should be taken up on the 4th day of October, 1853; your record shows that there was nothing done in the case from January 14th, 1853 until October 4th, 1853; would you say that was correct? A I would say it was correct if it is shown on the book; it is supposed to be a correct entry of the facts.

Q I will let you see the book for yourself; I don't want to misrepresent your use of it at all. (Shows entry in book to witness.)
A I can't recall those facts in regard to the agreement.
Q Who took down the testimony of the witnesses in court? A I took it down.
Q You took down the testimony of Dr. Albert? A Yes.
Q He was cross-examined by counsel for the defendant? A As to that I don't recollect, he was present, he was always present; I think likely he was cross-examined.
Q And that testimony was taken down by you when the judgment was rendered in January, 1853? A I would say it was, my impression is to that effect.
Q Will the clerk have to have any explanation as to this case from January 14, 1853 up to October 4th, 1853, according to the records? A (No response.)
Q You don't recall in the case anybody's else testimony in the case? A No sir, I don't.
Q And the possibility is that the testimony only was examined into? A It might have been so, my recollection is that he was regarded as the main witness of the case.
Q He was quite an old man, about 70 at that time? A Yes, he was quite old.

BY MR. LAWRENCE:

Q The testimony of Dr. Arthur Albert, from this record, appears to have been taken January 14th, 1853; is that correct as far as you may recall at this time? A Is that Dr. Palmer's testimony? (Attorney hands paper without papers) A It appears to be, yes; I don't think that was the testimony that the case was decided upon, because his testimony was taken orally before the Commission, and I wrote it down, myself let's see it. (Attorney hands said papers to witness.)
A Well, all I know about this is as I stated before, I can't recall these facts, but whatever the record says why I say that the record was made correct, according to the fact. (Witness is referring to testimony referred to to refresh his memory.) I don't recall in detail that very clearly to my understanding, but I gather from the subject matter in that testimony that it is in accord with Dr. Albert's statement; in exactly word for word I am not able to say, but that is the tenor of the testimony.

BY MR. ATKINSON:

Q In fact the testimony you endeavored to set down all the material facts as you could in the case, is that right? A Yes, very nearly word for word, as I could get it, as well as there was a little variation made necessary by the length of the witness' statement.

BY MR. McKENNON: Applicants object to all of the witness' testimony relating to the method of taking the testimony of witnesses at the trial, the character and effect of that testimony, and the number of witnesses, except so far as the same may be used for the purpose of testing the memory of the witness, because the same is incompetent, irrelevant and immaterial.

R. F. FORTNER, being first duly sworn, and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A R. F. Fortner.
Q What is your age? A 54.
Q You are a physician are you not? A I am.
Q Where do you reside? A Vinita, Indian Territory.
Q Do you hold any official position in your position? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the Legislative Committee of the Indian Territory and of the American Medical Association,-those are some, and the most important positions I hold at this time.
Q Are you a Cherokee citizen? A I am.
Q By blood or intermarriage? A Intermarriage.
Q Your wife is a citizen? A Yes, sir.
Q Do you know D. F. C. Duncan? A I do.
Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.
Q Do you know his general reputation in the community where he resides for honesty and uprightness of character? A I do, I think.
Q Is that good or bad? A It is good.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A About six or eight years, don't know exactly how long; known of him for ten years and personally I have known him about any six or eight years.
Q Do you know his general reputation for truth and veracity? A I do.
Q Is that good or bad? A It is bad.

BY MR. HASTINGS:

Q Mr. Du can belongs to the same church you belong to? A Yes, sir.
Q And has for a number of years? A Well now I say I think he does; I have always so understood.
Q Don't keep up with all your members? A No, but he has attended church there and my impression has been that he is a member of the church.
Q You didn't have any business before the Citizenship Court of which he was clerk, did you? A No, sir, not that I know of.
Q You was not at Tahlequah while he was clerk of a Court from 1902 to '05? A I don't believe I was.
Q Never had any business before that Court? A Had no business before them, not while he was Clerk to my knowledge.

BY MR. McKENNON:

Q You spoke of his membership in the church: he is in good standing as a member of the church is he? A Yes, sir.
Q I will ask you if Campbell Taylor's reputation isn't notoriously bad? A Yes, I have so understood it.

BY MR. HASTINGS:

Q I will ask you if it was notoriously bad in 1903, when these people employed him to represent them before the Court? A That was before my knowledge of him.

Q So far as you know had he been living quietly there at his home with his family? A Sir, he was.

O. W. MILLER, witness duly sworn and being examined, testified as follows:

BY MR. McKENNON:

Q What is your name? A O. W. Miller.
Q What is your age, Mr. Miller? A 61.
Q Where do you reside? A Vinita.
Q How long have you lived there? A Well I have lived there altogether about 15 years I guess, or 16.
Q Are you a citizen of the Cherokee Nation? A No, sir.
Q What is your business? A Real estate and insurance agent.
Q Do you know E. W. C. Duncan? A Yes, sir.
Q How long have you known him? A I have known him twenty years.
Q Do you know his general reputation for honesty and uprightness of character where he lives? A Yes, sir.
Q Is that good or bad? A It is good so far as I know.
Q Do you know Carmelt Taylor? A Yes, sir.
Q How long have you known him? A Well I have known him 18 or 20 years, I guess.
Q Do you know his general reputation for truth and honesty? A Well yes.
Q Is that good or bad? A Well, it is bad, I think.

ATTORNEYS FOR CHEROKEE NATION waive cross examination.

W. H. CURTIS, being first duly sworn and being examined, testified as follows:

BY MR. McKENNON:

Q What is your name? A W. H. Curtis.
Q How old are you, Mr. Curtis? A 58.
Q Where do you reside? A Afton, Indian Territory.
Q How long have you lived in the Indian Territory? A 20 years.
Q What is your business? A Lumber business.
Q Do you know E. W. C. Duncan? A I do.
Q How long have you known him? A About 20 years.
Q You know his general reputation for honesty and uprightness of character in the community where he lives? A I do.
Q Is that good or bad? A As good as any man's.
Q Do you know Carmelt Taylor? A I do.
Q How long have you known him? A Some 20 years, I suppose.
Q Do you know his general reputation for truth and integrity and honesty? A Yes sir.
Q Is that good or bad? A Good.
Q Is it notoriously bad? A Yes.
Q Did you ever know Dr. Baker, Dr. A. B. Baker, of Berryville, Arkansas? A Yes sir, I knew him in '98 and '99.
Q Where? A Over at Berryville; I ran a saw mill in that country at Berryville.
Q Did you know his general reputation so far as honesty and uprightness of character and truthfulness? A Yes sir.
Q Is that good or bad? A Good sir. Good as any man's; he is a good Cherokee gentleman.
Q Did you know him well enough to know his habits of life? A Yes sir.
Q You're in the habit of taking liquor, drinking liquor? A Not that I know, of sir, I never saw him take a drink in my life.

Q [illegible] A Ten years.
Q [illegible] A He was an old [illegible] when he lived
[illegible], Dr. Baker.
Q [illegible] A I think I must have been
[illegible] gentleman.
Q [illegible] A No sir, it was in '60 and '70, I
[illegible] there.
Q [illegible] A Yes, sir.
Q [illegible] A Yes, sir.
Q [illegible] A I don't [illegible] gentleman.
Q [illegible] A No sir.
Q [illegible] A No sir, no sir.
Q [illegible] A Yes sir, I never knew much good of
him.
Q [illegible] A [illegible]
A [illegible]
Q [illegible] A [illegible]
get [illegible] anyway if [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A Yes sir.
Q [illegible] A Yes sir.
Q [illegible] A Yes sir.
Q [illegible] A Yes sir.
Q [illegible] A No sir, I never did.
Q [illegible] A No sir, never did.
Q [illegible] A Yes sir.
Q [illegible] A Yes sir.
Q [illegible] A Yes sir

Q [illegible] Yes.
Q [illegible]
Q [illegible]
Q [illegible]

D. H. [illegible] sworn and being examined,
testified as follows:

BY MR. [illegible]

Q [illegible]
A [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q Spoken to children of the Church of Christ? A Yes sir.
Q Brother of Mr. Sparrenberger? A Isaac Sparrenberger.
Q Do you know J. W. B. Duncan? A I do.
Q How long have you known him? A 16 or 18 years.
Q Do you know the general reputation in the community where he lives for honesty and truthfulness of character? A Yes sir.
Q Is that good or bad? A Good.
Q Do you know Mr. Laney's reputation? A Yes sir.
Q How long have you known him? A Way 15 years or longer.
Q Do you know his general reputation for truth and honesty in the community? A [illegible] yes sir.
Q I will [illegible] it is not good.
Q Is it bad? A I [illegible] it must be bad then.
BY MR. [illegible]
Q But you have testified to reputation be n bad, Mr. Laney, quite a good while ago? A Why I think so, yes sir.
Q And it is [illegible] known widely with this citizenship business?
A Yes, he has up to [illegible] yes sir.
Q He went out to [illegible] and through the mails, and they finally had him up under it, and a good deal of stir about it? A Yes sir.
Q And some of that may have been occasioned by his helping the Dawsons in what's it? A I don't know, I don't know whether he helped the Dawsons.
Q Was not that one of the principal causes that brought him into notoriety? A I don't know whether he had that cause or not, I know he had a great many causes.
Q That was the principal thing that connected the Tim Campbell suit, the [illegible] with here. A I think that is what got him into the most trouble.
Q I say before that time nobody had talked much about Campbell one way or another, and it became pretty general that Campbell was handling [illegible] cases, and he got a bad reputation from that? A Yes sir, I think that was the impression generally.
Q Now Mr. Duncan's connection with the Dawson case kept back: People never talked much about it? A I never heard anything about it, as I know of.
Q You have heard that there has been something said about the Dawson case, that had been a notorious thing? A Oh it has been a notorious case, yes sir.
Q Tell the fact of Mr. Laney's reputation for straightness has been somewhat blown by himself, he [illegible] it frequently? A How is that?

Q His reputation for [illegible] is good? A [illegible]
A I [illegible] qualified to answer that.
Q [illegible] Mormon, do you know that [illegible]?
A [illegible]
Q [illegible] Mormon church [illegible] part of Canada? A [illegible]
A [illegible] integrity? A I don't [illegible]
Q [illegible] Vinton [illegible] in 1911 and [illegible]
Q [illegible] and tell what was going on around the [illegible] A Why no, don't [illegible] I was up, I was [illegible] [illegible]
Q Was that [illegible] in '07? A Well, I lived close to Vinton, I guess it [illegible] probably.
Q Have you [illegible] Mormon Tabernacle since last time? A No sir, never have.

H. A. WILLEY, being first duly sworn and being examined testified as follows:

BY MR. HOWELLS:

Q That is your name? A H. A. Willey.
Q You are a minister of the Gospel? A Yes sir.
Q A. M. Church, South? A Yes sir.
Q How long have you been [illegible] ministry? A I have been [illegible] ministry 22 years, sir.
Q Did you ever live at Vinton? A Yes sir.
Q How long? A I was there four years, sir.
Q Are you there [illegible]? A I do.
Q How long have you been there? A I have been there 22 years. Ought 22 years.
Q Do you know his general reputation for honesty and truthfulness of character? A I do.
Q Is that good or bad? A Good, as far as I know.
Q You have an opportunity of knowing? A Yes sir.

H. M. [illegible]

Q Was Duncan a member of your church? A Yes sir.
Q What was his [illegible] as to [illegible] in contact with him? A You mean in the [illegible] of my official [illegible]?
Q Not [illegible] with [illegible] cases that were decided by the action of [illegible] clerk and never brought up in your presence [illegible]? A No sir.
Q Or [illegible] disagreement? A No sir, I know nothing about [illegible] connection with it.
Q Was [illegible] Tabernacle in '07? A Yes sir, I was Pastor of the Tabernacle, Church in '07 at Tabiequah.
Q Did you [illegible] a [illegible] meeting over there by the [illegible] Church? A No sir, I have nothing about the matter. I was [illegible] I was in session, and [illegible] that in the clerk of the Corporation, but knew nothing about the cases that were decided [illegible].
Q Have [illegible] anybody discuss the cases that were decided? A No sir.

THOMAS A. C. MILLER, being first duly sworn was duly examined testified as follows:

BY MR. McKINNON:

Q What is your name? A Thomas A. Miller.
Q What is your age, Mr. Commissioner? A I am 70.
Q What is your occupation? A Deputy Clerk of the United States Court at Yukon.
Q How long have you lived in the Dawson district? A All my life.
Q Do you know D. W. Campbell? A Yes sir.
Q How long have you known him? A Let me see, I have known him about nine or ten years.
Q You know the general reputation for honesty or morality, moral character in the community where he lives? A Yes sir.
Q Is it good or bad? A Good so far as I know.
Q Do you know Campbell's wife? A Yes sir.
Q How long have you known her? A I think about 15 years.
Q Do you know its general reputation for truth and honesty? A Yes sir.
Q Is it good or bad? A Good so far as I know.

BY MR. HUTCHINSON:

Q How did Campbell happen get a bad reputation? A I don't know, sir, I don't know how he got it.
Q You never knew him until 1905? A Well I never knew him personally, I don't think before that.
Q He had a bad reputation before '05? A Yes sir.
Q Bad reputation way back yonder? A First I remember I ever heard of him I heard people speaking bad of him, when I was a kid.
Q And everybody in, over the Nation, and knew anything at all knew Campbell had a bad reputation? A Yes sir, ever so far back as '99 or '98, that is as far back as I can remember; I think I heard it started in '98. I think that's about the time.
Q Mr. Campbell got a very bad reputation in '98 and '99 when we began to have these citizens' cases? A Yes sir.
Q You heard his arrest of I. McAuley and using the mails for those purposes? A Yes sir, I heard of him being in the Fort Smith Jail on that account.
Q Citizens of the Nation talked a good deal about Campbell's being in those bad citizens' cases? A Yes sir.
And I also heard he had a bad reputation for evil, his debts, also, about the same time.
Q You don't know that or he had the money, he might not have had the money to pay his debts? A No sir.
Q He could have kept out of bad citizens' cases? A Yes sir, I understand he could.
Q You never heard Mr. Duncan's name mentioned before in connection with the Dawson cases, civil and criminal cases? A No sir, I don't think I have, I may have, but I don't remember hearing it.
Q General impression that somebody had done something wrong with that Dawson citizens' cases? A I heard some one say something wrong in connection with the Dawson citizens' cases.
Q That had been in majority ever since they were started? A Yes sir, I have heard it reported around over the country that way was the case.

Q They had a pretty large voting community up there and it never was investigated? A I don't know about that, I don't think it was ever investigated, I never heard of it.

-or-

Q Or they never sat any testimony to him but what the man was?
A No sir.
Q Where did you live in 1897? A In 1897 I lived out on Dick Creek about 12 miles south-west of Vinita.
Q How far from Tahlequah had that? A About 65 or 70 miles, I am sure.
Q You never were around before the Commission during that time? A No sir.
Q You don't know whether or not Turnbull had sent a subpoena down there? A No sir, I do not, at that time.

BY MR. McKENNON: I object to all of the testimony of this witness as stated, heard by way of rumor, about the character of the deceased, because the acts is hearsay, immaterial, irrelevant and incompetent.

A. S. McKENNON, of Counsel for Applicants, being first duly sworn, makes the following statement:

I became a resident of Carroll County, Arkansas, early in 1886. I was then acquainted with Dr. Arthur Baker, for many years. Knew him as well as I did anyone else. He was a gentleman of the highest Christian character, as recognized by everybody who knew him. He was a honest man, and never drank liquor. I make this statement more in vindication of that good man's memory than for any other reason, because any imputation against his character is untrue.

BY MR. WARREN.

Q How long did you know him? A I resided in Carroll County until 1897, when I removed to Johnson County, Arkansas, during the war. I was away from here, but I know him intimately every year that I resided in Carroll County.
Q Did you know his wife? A Yes sir, I have seen her several times. I have relatives living in the town in which he lived; my brother-in-law did, and I was such as to cause me always to inquire about Doctor Baker. I knew his reputation I think as well after I left there as I did when I lived there.
Q Did you know those facts in 1896 when you was a member of this Commission? A Yes sir, I have known them all my life as I know them now.
Q Do you know them when you as a member of this Commission passed on the Irene J. House case? A I knew it every day of my life, in 1896 as well as now.
Q Suppose that Doctor Arthur Baker's statement should appear that he was born in the year 1809, but supposed he said when he was 15 or 16 years of age that Anna Price, the wife of Samuel Dawson, was a grown up girl with a child, when the other undisputed evidence shows that she had married Sam Dawson prior to that time and had seven children, the youngest of them was born in 1850, how would you harmonize that with a man who was an honest man and knew the facts in the case? A Whatever Dr. Baker stated he honestly believed, whether it was right or wrong; whether it was error or truth, he honestly believed it, and stated it as he believed it.
Q He was capable of being in error? A Every man is.
Q I say he was? A Yes sir, just as you and I and every man, he was; I merely stated as to his high character, which could be proven, by every one who knows me I think, I know it.
Q The Commission rejected Irene J. House in 1896, of which you were a member? A I don't remember anything about that personally.

TESTIMONY ON BEHALF OF [redacted].

DAVID [redacted], being first duly sworn, was called, examined, testified as follows:

BY [redacted]:

Q [redacted]
Q [redacted]
Q [redacted]
Q [redacted]
Q [redacted]
Q [redacted]
A Very little.
Q You were at one time an applicant before the Dawes Commission for citizenship were you not? A Yes sir.
Q Well what did Mr. Benson tell you with reference to his citizenship, as to the cost of his getting it, if anything? A Why he told me it cost him eleven or twelve hundred dollars to get his case through.
Q Where did that conversation take place? A At Afton.
Q At what time? A It was in '28, spring of '28.

BY MR. McKENNON:

Q Where were you when he told you that? A I was working on a house [redacted]
Q [redacted]
Q [redacted]
Q [redacted]
Q [redacted]
Q

Q Mr. Bryant, what number of your family went to the Cherokee Nation to file and prosecute the claim of your father, Robert Bryant, and the members of his family, to Cherokee citizenship?
A My brother, Joel Bryant, and myself.
Q Will you please tell us where Robert Bryant, they all knew him by name,
Q Then the first A In 1881 -- I can't remember, or '82; I don't know which it was in '81 or '82.
Q Did you file your claim at that time? A My brother and, yes, the application -- brother Joel Bryan to make it out and file it. That is my understanding.
Q Joel Bryan, who afterwards was Chief of the Cherokee Nation?
A Yes sir.
Q Before what court was that filed? A My understanding was he was clerk of the Supreme Court he told me what court he was clerk of.
Q He was clerk of the Court at that time? A Yes sir, of the citizenship court, that's my understanding.
Q What was done about the case at that time, if you remember? A I went back home and left my brother down there at that time, that trip.
Q Where did you then live? A I lived at Perryville, Arkansas.
Q When did you next come to the Cherokee Nation? A I believe I came back the next January, that was in September.
Q Was your brother Joel here then? A I don't think he was, I don't remember.
Q Well had he at any term of the Court or session of the Commission at any time after you first came here and filed the application until after it was decided? A No sir, I never met him any more until that case was decided.
Q You remember the minutes then after that did you not? A Yes sir.
Q The case was finally determined in January 1883? A '83, yes sir, the 15th day of I remember.
Q Were you present at that session? A Yes sir.
Q Was there any decision of that case other than the one of record here? A I never heard of it if there was.
Q Was the judgment rendered in that case as recorded in the record Book of that Commission now in the custody of the Dawes Commission the only judgment that was rendered in that case so far as you know? A Yes sir, so far as I know, if there was any I never heard of it in that case.
Q You then know of no decision against you in the case? A No sir.
Q Who was your attorney employed at the beginning? A I employed A. L. Norwood.
Q Was he a Cherokee Citizen? A Yes sir, I think so.
Q Where did he live? A At Claremore, my understanding.
Q Was he present at any time before the Commission? A I never saw him, he never was in the office before the Commission.
Q Did you pay him any money? A Yes sir.
Q How much? A Fifty dollars.
Q Did he ever render any services? A If he ever did I never knew it.
Q Well then who did you employ? A My brother employed Joel Bryant.
Q You say a Cherokee citizen?
A There is no question about it.
Q Was he then a prominent Cherokee citizen? A Yes sir.
Q What service did he render? A Well sir, I don't know whether he rendered any or not, only he met us a time or two at Tallequah, and he was before the Commission; whether he rendered any services

me but I don't know as he generally always at Covington (Ga. during the term there.
Q Well what did he do about it? A I don't know, I couldn't say whether he done anything about it. That is Mr. Bryant, he was always gone.
Q What next was done about the employment of an attorney? A The I got a letter from Joel Bryant that he was going to Covington City and for me to come down in January Term and Campbell Taylor would see to my claim before the court.
Q Did he say that he had engaged the services of Campbell Taylor the attorney, to attend to it in his absence? A Yes sir, in his absence.
Q Have you got that letter? A I don't think I got the letter.
Q Well and did you do them? A The when the time come I come down on the way to Lawrence here and I goes over from here to Fort Gibson and I goes down to see Uncle Houston hence and stays all night with him, it was very cold weather, and I got him to go over and submit my case to the court; I went over one day and the next day Uncle Houston and me came over and the next morning after he come over the case was submitted.
Q Did he submit the case? A Yes sir, he told me so.
Q For you? A Yes sir.
Q Were you present? A I was present until they went to take the vote on the case and then we was drove out of their room and they had a secret session, acting on the case.
Q Was Houston Judge present with you? A Yes sir.
Q Were you in the court when he submitted it to them? A Yes sir, when he made his argument.
Q He made an argument before the Commission? A Yes sir.
Q Was the decision rendered on that day? A Yes sir.
Q How long after he had his argument and submitted the case? A It was not but a little bit; when we were drove out of the house the first time before they went into secret session they wanted me to get the cigars to the court and the crowd in the house; after the decision was rendered I was to get the cigars, and everybody come to me and told me to go and get the cigars and I done so.
Q And you took the cigars there and all? A Yes sir, everybody, the attorneys and all that was in the house, all had a big smoke.
Q Did they then announce their finding in the case? A Yes sir, they told me that I was granted my citizenship right and by the Commission.
Q What did you do about it then? A They the Clerk wrote me out my certificate.
Q That same day? A That same day.
Q What arrangements did you make with Mr. Benge about his fee, and how was the amount of his fee? A There was no arrangement made until we got up there and he won it our case; then he wanted me to pay him, he charged me fifty dollars, that was his fee.
Q What was the agreement about the matter, the manner in which that fee should be paid? A My brother in Texas was to pay it.
Q Was you to write or was he to write? A He was to write for me.
Q Did your brother in Texas ever pay his fee of fifty dollars?
A Yes sir.
Q Was that all that was to be paid? A All he ever was to have; all he charged me.
Q Did hear his state out when he gave his decision at Fort Gibson the other day did you not? A Yes sir.

Q He never stated that you paid him fifty dollars before you would go to Tahlequah, did you do that? A No sir.
Q Or did not you said him fifty dollars after he got to Tahlequah, did you do that? A I never paid him a cent in my life.
Q After the judgment was rendered where did you go to? A I went by Fort Gibson to Arkansas.
Q By way of route? A I went by Silou Springs and on by Spring Dale and I was on to Fayetteville took the railroad there and went on by Siloam and by Huntsville home.
Q You then did not return to Fort Gibson with Mountain Boy, as he stated? A No sir, I did not.
Q Why did you not return by way of Fort Gibson? A Well I thought maybe the others was the cheapest road and stayed a hack going out by Sol Stables when I was boarding at, I could go to Silou Springs and I went by that route and then there was a hack going by Spring Dale, that was the most direct route.
Q That was the most direct route from your home was it not? A Yes sir.
Q And the cheapest? A And the cheapest route.
Q Had you been on up back to Fort Gibson you would have been right directly away from home would you not? A Yes sir.
Q Your home was nearly east, due east of Tahlequah was it not? A Yes sir, little north of east, pretty near due east.
Q While Fort Gibson is almost due west is it not? A Southwest.
Q You heard him at the time that you went to Fort Gibson with him, and he was, as you stated by him that it was way to reach the court was through Duncan and you reached the through Duncan with five hundred dollars, did you make that statement? A I never did, I didn't have the five hundred dollars to reach him.
Q Did he while at Tahlequah in the court room on the evening before this judgment was rendered in your favor, tell you that the court had rendered a judgment against you? A No sir.
Q And did you then say to him, you would fix that? A I had no such conversation with him.
Q Did you pay to D. W. C. Duncan, who was the Clerk of the Court any sum of money, or agree to pay him any sum of money, directly or through any other person for any services he might render you by way of influencing the court to decide in your favor? A No sir.
Q Or for any other purpose? A No sir.
Q Did you pay him any money after that through Campbell Taylor? A Yes sir.
Q How much? A 20 or 25 Dollars, I don't know which it was.
Q State what that money was paid for? A For a claim.
Q What do you mean by a claim? A Claim on the public domain; he had a claim up there close to me; paid him 20 or 25 dollar for his claim; he had no claim by me, on the Cherokee Public Domain.
Q What did Campbell Taylor have to do with your case?
A He had nothing to do with it.
Q Did you agree to pay him any money for his services as an attorney? A No sir.
Q Did he perform any services in that case foryou as a representative of Mr. Bryant? A No sir.
Q Did you pay him any money? A Yes sir.
Q On what account? A He done me and said he had the claim against me for Joel Bryant and wanted me to pay him the money and I done so.
Q What amount? A Fifteen dollars.

Q [illegible] A [illegible]
Q Did [illegible] A [illegible]
Q Did [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q

Q Well? A Well I made several trips out here at different times, to Tahlequah before the Commission, and back, three or four trips as well as I remember now, cost me 20 or 25 dollars each trip, as I remember about it.
Q Do you remember how many trips aside from the one in which you brought Dr. Baker? A No, I think there was probably three trips I think it was, maybe more, and then I made one trip to Claremore to see A. H. Norwood.
Q What did that trip cost you? A I don't remember what it cost; I went in a wagon down there.
Q You went through and employed Benge, went by railroad; what did that trip cost you? A I don't remember what it was, whether it was 21 dollars or 31 dollars, one or the other, I don't remember which it was; Joe Dawson, my brother gave me the money, it was either 21 or 31 dollars.
Q Now then is there any other expense that you know of that was paid by you or your family, any members of your family, other than that you have mentioned? A I don't remember any other now; I can't call to my memory right now.
Q What was the condition of the members of your family generally now, financially, at that time? A Well we were considered poor people; I don't know, we didn't have much money, scarcely any.
Q Was there any one of them that was better off than the others, and if so, which one? A I suppose Elbert Dawson was better off than the others, Buck Dawson.
Q Do you know how much Buck Dawson paid of these expenses? A I don't think he paid, he paid the Benge debt and the Bryant debt, I think it was.
Q That is one hundred and fifty dollars? A Yes sir, then he came up on one trip and taken more evidence with Joel Bryant when Joel Bryant was Clerk of the Court before this Tehee Court, I don't know what that cost him.
Q Came up here and took some testimony? A Yes, came up and went back to Texas, filed his claim and took some testimony and went back to Texas and I didn't see him.
Q Did that testimony include Dr. Baker's testimony? A No sir.
Q You know how many witnesses were examined then? A I only know what he told me.
Q How many? A Four witnesses.
Q You know whether they were residence of the Cherokee Nation or not? A He told me they was.
Q Were you present on that trip in which he came there and took that testimony? A No, I met him there and then I went back home and left him at Tahlequah.
Q He had taken the testimony before you left him or afterwards? A He taken it afterwards; that was my understanding.
Q Did Buck furnish only the one hundred fifty dollars that you now remember? A I think it was.
Q And the expense of taking these witness up there A Yes sir.
Q He also furnished money now of the members of your family? A My brothers and father lived down in Berryville, me and my brother-in-law, Blassingame, we all chipped in together a few dollars from each family.
Q You heard the statement of D. C. Brought that in June 1st you told him that it had cost you 700 dollars, did you make any such statement to him? A I never did.
Q And that you paid one witness 300 dollars? A I never made any such statement.

Q Did you pay any witness any fees? A No sir, I paid Mr. Baker for his time, he said his time was worth $5 dollars a day, and I paid it.
Q Did you pay any other witness for your part of that? A No sir, he was the only witness I took down there in my case.
Q Will the Robert Dawson sheet A Yes sir.
Q Do you that will take his title in your house there on your place, did you have any house there in June 1883? A I was not living on my farm at that time.
Q Did you have any farm? A Didn't have any.
Q When did you build a house there? A I built a house on the farm I live in now by Mr. Brought, I moved on the farm the 1st of July, 1883, and I occupied it ever since.
Q What did you do? A I went to the timber and cut logs and hauled them and made a log cabin on the place by a spring near the ground.
Q About what time did you finish that house? A I it was in September.
Q How soon after you finished that house until you brought your family out? A I finished it up and got it covered and the floor in it and I went back to Eureka Springs after my wife.
Q What family did you have then? A I had my wife and she had one child; but my oldest children, by my first wife were with me in the Territory, coming with me; three little boys and one girl were with me, and one girl back in Arkansas.
Q Are you and C. G. Brought on good terms? A No sir.
Q What has been the character of the trouble between you? A Trouble over our places first started it.
Q When did it begin? A As soon as I got back from Arkansas he commenced hinder crowding me out to get my farm by my fence, and we have been in a ruckus ever since.
Q Then his statement that you were on friendly terms, is it correct or not? A No sir, it is not correct.
Q He and you have never been friendly as neighbors then since you first got back from Arkansas and settled in the Territory? A I don't remember ever being in his house; I never was in his house.
Q Have you and my wife with each other? A Yes sir.
Q How many? A I don't know that we had any particular law suits, but I have had law suits and he has been a witness against me.
Q That was your last trouble with him, when I mean? A Along last fall.
Q That was when your boys had a little racket and he had your boy arrested? A Yes sir.
Q What was the age of those boys? A Eleven years old.
Q He had him arrested down at Vinita? A Yes sir, had him arrested and carried before the Commissioner at Vinita.
Q He was discharged on account of his age? A Yes sir.
Q Jack Dawson is dead is he? A Yes sir.
Q How long has he been dead? A Three years, little over three years.
Q And James Dawson is dead? A Yes sir.
Q Is your father, Robert Dawson living? A No sir.
Q When did James Dawson die? A I don't remember, been dead several years, I don't remember how long, 6 or 7 years, I couldn't state.
Q When did your father, Robert Dawson die? A I believe it was in '87 as I remember now, I won't be positive.
Q Had all these moved in the Cherokee Nation before their death? A No sir, father died in Arkansas.

Q Those that lived here in the Nation they lived here in the Nation but went back to Arkansas and died there? A Well the rest of my folks all lived here. That was James Dawson and Mick Dawson.
Q Robert Dawson, your father, never did move to the Territory, did not? A No.
Q Did you hear the statement of the witness Beaver this morning, that about the time of hearing of the James Dawson case, at a negro church at night James Dawson was down there with someone else he introduced to him, and he loaned him ten dollars; did you hear that statement this morning? A I heard the statement, yes sir, I heard it.
Q He says that man James Dawson was 35 or 40 years old; was there any James Dawson living belonging to your family at that time of any such age? A No sir.
Q How many James Dawson's were there belonging to your family? A There was my uncle James Dawson and a brother James Dawson, the Doctor here.
Q How old was your brother James Dawson then? A He was a tolerable old man, I don't know his age.
Q About what age? A I must have been 60.
Q Between 60 and 70? A Yes sir.
Q What was the age of your brother James? A At that time?
Q Yes sir, in '84? A In '84 I suppose he was about 18, somewhere like that.
Q Had he anything to do with the James Dawson case? A No sir.
Q Was he present at the time that the James Dawson case was under consideration? A No sir.
Q Was James Dawson, your uncle, James Dawson, present at any time during the consideration of his case? A No sir.
Q He never was present? A No sir, if Uncle Jim Dawson was ever in Tahlequah I never knew it.
Q Who conducted the prosecution of the James Dawson case before the Cherokee Citizenship Commission, who conducted it? A The James Dawson case?
Q Yes sir? A I think James Low and Bill Jackson and Campbell Taylor.
Q Were you acting with them? A Yes sir.
Q They employed Campbell Taylor? A Yes sir.
Q Then there was no James Dawson present during that session of the Commission? A No sir.
Q What was the condition of James Dawson's health at that time?
A It was pretty poorly; was not good.
Q Was he at that time able to get about and attend to business?
A I don't think he was.
Q Was he not a very feeble minded old man at that time? A Yes sir.
Q Regarded as rather a silly man was he not? A Yes sir.
Q Did he attend to any kind of business of the family at that time?
A No sir, didn't.
Q What was his financial condition? A Pretty bad.
Q Did he have any money? A No sir.
Q Did he have any property? A None hardly at all; horse probably, or a cow or two, something that way.
Q Was that about all the property he had? A Yes sir.
Q How about the other members of his family that were admitted at that time; what was their financial condition? A They were in poor circumstances.
Q Now then after these judgments were rendered what members of your family removed to the Territory, Cherokee Nation, I will say?
A Robert Dawson and family and James Dawson and family, that is, them and their children.

Q Robert Dawson didn't remove here? A No, I said except Robert Dawson.
Q Did all the members of Robert Dawson family move here? A Yes sir.
Q Except himself? A Yes sir.
Q And all the members of James Dawson family? A No, not all the members, Melvina Low I don't think ever lived here.
Q She has never moved here? A No sir.
Q Well all the members of your family, your father's family included in that judgment of the Committee, rendered January 11th, 1893? A All but one.
Q What was the name of that one? A Edna.
Q A daughter? A Daughter of Robert Dawson.
Q Your sister? A Yes sir.
Q Was she then of age or was she a minor? A I think she was a minor, as well as I can remember.
Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.
Q By a Commission or by the Cherokee Council? A She was first admitted by the Spears Court, her and two of my neices.
Q What are their names? A Katie Vernon and Verna Fishback.
Q What became of that? A The certificate papers they got was lost, and they went before the Council in 1894 and they was readmitted back by the act of Council.
Q That was in 1894, the Cherokee Council admitted, re-admitted as they called it, the three above named? A Yes sir. Mary and Verna Fishback and Katie Vernor, they have now the same names now except Vernor, it is not, Tob Robinson married the widow, a neice of mine.
Q Now then was there any other consideration of the Dawson case by the Cherokee authorities at any time aside from these two acts of suits in '87 and '94 admitting the two families of Robert and James Dawson, and the act of Council of '94 admitting these three that you have just named? A Yes sir.
Q Then? A My two of my sons was placed on the roll by the act of Council in 1893 I think it was; left off of the rolls in per capita payment and they was placed on the rolls I think, and Sam Hitchhugh member of Council, got their draft or checks for the money.
Q Have you got that copy of the act of Council admitting them? A Yes sir.
Q Then is it? A (Produces papers.)

BY MR. McKENNON: We offer in evidence an act of the Cherokee National Council making an appropriation of 20,000 dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount set opposite their respective names, provided that the Principal Chief shall draw warrants for such amounts, and further provided "That the names of the persons appearing on the per capita rolls in this act shall be placed (on) the authenticated roll of 1880 by the Principal Chief." This act was approved December 31, 1891. Approval signed by Stephen Tenee, Assistant Acting Principal. In this list appear the names of Willis E. Dawson for payment of $13.70, and of Marion Dawson, for a like sum. Are these now the names of two of your sons? A Yes sir.

(The paper above introduced, is filed and made a part of the records in this case.

Q Was there any other action of the Cherokee authorities relating to members of your family? A Yes sir.

Q When? A In 1894.
Q What was that? A Allowing them their Strip money.
Q Have you a copy of that? A I think I have. (Produces papers.)

BY MR. McKENNON: We offer in evidence a duly certified copy of an act of the Cherokee National Council approved November 21, 1894, signed C. J. Harris, Principal Chief. Senate Bill No. 19, appropriating a sufficient amount of money to make payment per capita of what is known as the strip money to certain persons named therein. Among them are members of the Blassingame family, as follows: Jane, Elbert, Henry, James Ross Lennie, Pearl, Amos, Myrtle, Winnie and Clifford; this act mentions these persons as Cherokees by blood, and whose names had been left off the pay roll approved May 3, 1894, providing a payment to each one of these a sum of $265.70.

Q Were these members of the Robert Dawson family? A Yes sir.
Q Which one of the members of the family? A Jane.
Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.
Q And her children? A Her children, was not admitted, she was admitted.
Q I mean this mentions her children here? A Yes, that mentions her children.

(The paper last above introduced is filed and made a part of the record in this case.)

Q Do you know whether the payment of the Cherokee Strip money was to Cherokee citizens by blood only or not? A Yes sir.
Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A Why the Douthett children, my brother's grand-children. Two grand-children of E. Dawson.
Q When was that? A That, I think it was in '84.
Q Have you got a copy of that act? A No, the record is here.
Q Was that by the Spears Court? A Yes sir, by the Spears Court.

BY MR. McKENNON: We now offere in evidence a judgment of the Cherokee Commission on Citizenship, 1880 and 1884, found on page 190, case No. 181, dated September 9th, 1884, signed by Eli Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Lula Douthett and Dallas Douthett as Cherokees by blood.

Q These now are the Douthetts to which you refer, are they? Yes sir.

BY MR. McKENNON: Attention is called to the fact that the names of the Commissioners are all signed in the same hand-writing as the record of the judgment.

The said judgment record above introduced, and found on page 190, No. 181, record of 1880 to 1884, is as follows:

"Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, September 14th, 1883.

E. Dawson, for his grand-children,)
No. 181. (
Lula Douthitt,) C. H. Taylor,
Dallas Douthitt,) Atty for Claim.
(
vs) Petition filed September
The Cherokee Nation. (14th, 1883.

Case submitted by claimants Sept 14th, 1894.
Case submitted by Solicitor, Sept. 18th, 1894.
Continued by Petitioner Jan 28 1894 to September Court 1894.
Re-submitted September 2nd 1894, by Attys Taylor and Benvert.

Submitted by defendant Sept 9 1894.

And now on this the 13th day of Septe ber 1 94 co es this case for final hearing and all the evidence in the case having been carefully read, and considered by the Co ission on Citizenship it has been decided by the Co ission that the above named Lula Bartlett and Dallas Bartlett are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

Wilson Spears, pro s.
John Lee,
John L. Adair, Andrew Young,
Clk Com'n. Co ission on Citizenship."

Q Now were there any other actions of the Cherokee authorities of like character relating to the members of your family?
A I don't remember of any others;
Q I will ask you if when the Cherokee authorities were making the roll of 1896, in compliance with the request of the Dawes Commission for a roll to be prepared by them for the use of the said Commission, the question of the citizenship of the members of your family was not then raised and an investigation had in regard to it? A Before the Dawes Commission?
Q No, before the Cherokee Commission making the roll of 1896, of which John T. Gunter was a member? A Yes sir, yes. I had forgot it, but since you have named it there was some investigation of that at that time; this is what I understood.
Q That roll shows that the members of your family were duly enrolled by the Commission? A Yes.

Q Have you and the other members of your family since your removal to the Territory in 1887 and immediately following been recognized as Cherokee citizens by blood? A Yes sir.

Q Have you been exercising and enjoying all the rights of Cherokee citizens by blood since that time? A Yes sir.
Q You and all the members of your family are living in the Cherokee Nation? A Yes sir.
Q You have all drawn Cherokee moneys whenever payments were made? A Yes sir.
Q And have you all male members been voting at the Cherokee elections or in the Cherokee elections? A Yes sir, I was one of the judges of the elections that was held voting on the treaty.
Q What treaty? A The treaty bill that was sent back here for the Cherokees to vote on: I was one of the judges at Afton.
Q In what year was that? A I believe it was last spring some time, last April.

Q Have any of you held any offices in the Cherokee Nation? A Yes sir.
Q What offices have the members of your family filled? A Deputy Clerk, under Pete Hastings, when he was clerk of Delaware District, I was a candidate once for Council in the Downing Party.

Q Can any office of deputy clerk be held by any one else except a recognized citizen? A Only by a citizen, yes sir.
Q Is that all? A (No reply).
Q Have the children of members of your family attended the Cherokee schools, and been educated in Cherokee schools? A Yes, sir.
Q Have the members of your family been all the time subject to the jurisdiction of the courts of the Cherokee Nation? A Yes sir.
Q Have they been tried for any offences against the law? Yes sir.
Q And have they instituted their civil suits in the courts of the Cherokee Nation? A Yes sir.
Q And had suits instituted against them in such courts? A Yes sir.
Q Some of these cases have gone to the Supreme Court of the Cherokee Nation? A Yes sir.
Q And were passed upon by that tribunal? A Yes sir.
Q Is there anything else? A Nothing now; I am sick this evening; I have got the head-ache so bad I can't hardly see.

BY MR. HUTCHINGS:

Q How old was your father Robert Dawson when he died? A I don't know, I couldn't answer that.
Q He was a very old man? A Yes sir, he was getting tolerably old.
Q Could you tell how much older he was than you? A No I don't know.
Q Mr. James Brown in 1884 must have been a very old man wasn't he? A Well he was old and he was feeble.
Q Well you stated that he had become silly; was he naturally that way? A He used to live in Texas; I didn't know him until after he came to the Territory.
Q I say he had gotten so old, that was the occasion of that? A I suppose so, the oldest one of these children was Mrs. Betty Pate, that's my understanding.
Q And the oldest boy was John Dawson? A We always called him Jack.
Q Jack Dawson he was the oldest? A Yes sir.
Q Sam was the youngest? A Sam Riley.
Q He was the youngest one of the crowd? A Yes sir.
Q Your father lived four or five years after he and you were admitted to citizenship? Yes sir, something about that, it was in 1883, I think he died in 1887, I wont be positive; that is as near as I remember now. I have got a headache so bad that I can't remember anything.
Q He nor none of the older members of the family were ever present at any of these trials of citizenship? A No sir, not a one of them was.
Q Not a one of them was ever called upon to testify as to the blood of their mother, who she was or anything about it? A I don't think they was.
Q Your claim of kinship was through Captain John Rogers and that your grandmother was the half sister of Big Joe Vann, wasn't it? A I don't know, I couldn't answer the question.
Q You were there when they took the testimony? A I was there when Dr. Baker's testimony was taken, that was about 16 years ago.
Q And nobody kin to the Rogers and Vanns was ever called to testify in the case? A Not as I know of.
Q They were very well known Cherokee families in the coun try? A I suppose so, I don't know.
Q And yet nobody on any side of the family connected with it was ever called to testify? A Not that I know of, I don't know what my brother done, he taken some of the evidence at Tahlequah when I was not there; he first filed his claim.

Q You had spoken to Dr. Baker about the testifying before you brought your case didn't you? A No sir.
Q Must have been a short time afterwards? A It was a short time afterwards. I went back after him and it was too late and I fetched him the next time.
Q You had talked to your brother about what you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our folks.
Q You had told him in a general way you expected to use Dr. Baker as a witness? A Yes sir.
Q You went off, came to Arkansas and left your brother at Tahlequah after you told him that fact? A Yes sir.
Q You didn't see your brother any more until after you were admitted? A No sir.
Q You and he however made trips back and forth to Tahlequah and here at different times, but you didn't happen to get together? A No. I never met him any more and I don't know that he was there until after we were admitted.
Q But you were there and brought Dr. Baker over? A Yes sir.
Q And took his testimoney a year or such a matter before ever you were admitted? A I think as well as I remember, yes sir.
Q How the way you came to get Campbell Taylor was on the recommendation of old man Bryant? A I didn't get him, didn't use him.
Q The way he came into your case? A The way he claimed to come in.
Q He did more in your case than Bryant did? A Campbell didn't do anything.
Q What did Bryant do? A I think he held my brother take evidence my brother employed him.
Q How did you happen to be sending money by Campbell to Mr. Duncan? A I never sent him any money.
Q Then when he, Mr. Duncan, states that Campbell delivered the money as Campbell said he did, both were wrong? A Oh no, you are mistaken, Mr. Duncan got 20 or 25 dollars, which he stated, from Campbell Taylor, for me.
Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryant, and he wouldn't do it, and I tried to get the money back from him, and I finally worked the 20 or 25 dollars he gave to Duncan.
Q Then you didn't tell Duncan as he testified that you sent 20 or 25 dollars by Campbell Taylor? A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for me of the money I give him to give to Joel Bryant.
Q The family kept Campbell Taylor employed though as their attorney after that? A In the James Dawson case I think so.
Q E. Dawson, you remember, had him for his grand-children? A That is my understanding.
Q And your uncle James Dawson had him in the case of his children? A Uncle James had nothing to do with it; James Low and Bill Jackson got him; that was my understanding of who employed him.
Q The record here shows that the case was originally instituted by C. E. Taylor and was finally submitted by him September 2nd, 1884, in the James Dawson case? A I don't deny him being in that case.
Q You say he was employed in the E. Dawson case? A I don't know who was in the Dauthett children's case.
Q The record shows that Campbell Taylor instituted the case, and it was finally submitted by him, and Mr. Beevert, who testified a while ago? A That was in the James Dawson case, wasn't it?
Q That was in the E. Dawson grand-children? A Elbert?
Q No, in the Dauthett children's case? A Oh yes.

Q He was likewise attorney in the Mary Dawson case was he, and before the Adair court, the 4th of October, 1887, in the case of James K. P. Dawson? A I don't know anything about that.
Q And the case likewise of Riley Dawson? A I don't know anything about those.
Q They are relations of yours? A Well I couldn't say.
Q James K. P. Dawson proved to be a son of Riley Dawson? A Well if he is he is by connection then. There are so many Dawsons I don't know them all.
Q You know Andrew J. Dawson? A Yes sir.
Q The Dawsons have so many children their brothers didn't hardly know them did they? A That's it, I don't know them.
Q Well then you don't know who Andrew J. Dawson is? A No sir, I don't know.
Q He refers in his application as being a cousin of E. Dawson, and yourself, who were admitted to citizenship by the Tahlequah Court? A He may be, I don't know nothing about it.
Q He resided I believe, at that time at Nevada, Missouri? A I don't know anything about their people.
Q Old Man Baker was an old and paralyzed man at the time he testified wasn't he? A Getting old, he was not paralyzed.
Q Then the statement made that the reason he couldn't write his name and had to make his mark, because he was paralyzed, in the testimony isn't that true? A He didn't have good use of his fingers.
Q Then he was not paralyzed? A No, I brought him over there in a hack from Berryville, Arkansas.
Q Well I say he was a very old man? A Yes, getting old.
Q Now didn't you come to this place up there joining Brought's and work on it some time before you brought your family? A No, I brought my family with me, except my wife.
Q And you subsequently built a log house on it? A Yes sir.
Q And went back and got your wife and moved them to the log house? A Yes sir, went to Eureka and got my wife.
Q You never saw your grandfather at all? A Sam Dawson, yes sir, I saw him.
Q You remember do you of being with him much of any at all? A I was in Texas in time of the war, with my uncle Riley Dawson, and he was there.
Q In '60 sometime? A '62, I reckon, or '63. Somewhere along there, it was in time of the war.
Q How old a man was he at that time? A Pretty old man.
Q You never saw your grandmother, who died before she came? A Yes sir, I never saw her at all.
Q Who first started the citizenship matter, your brother in Texas or you? A Why it was me, and my brother together.
Q I mean who first conceived the idea? A I first commenced talking about it.
Q And sent down for him? A I was in Texas with him and then in Arkansas; I went backwards and forwards a time or two after the war.
Q About that time nearly everybody in Arkansas were trying to get some claim of kinship to Cherokees? A No sir, not at that time.
Q They were getting pretty thick in there in 1880? A Well in 83 and '4 and '5 I think.
Q Been much excitement over there to get yourselves on the rolls? A Just got to be everybody; but it wasn't at the time we were admitted there was not much stir about the rights here.
Q Well the Watts had been admitted before that? A I suppose they had; there was not much excitement over the Watts claim at that time.

BY MR. HASTINGS:
Q You did locate and board with Sam Shables when you first came to Tahlequah in '81? A I think I did.
Q Your brother Buck Dawson stayed there also? A Yes sir.
Q Sam Shables lived in the north end of town, old German? A Yes sir, old German, lived in the lower part of town.
Q Did you ever hear the names of any other witnesses which you stated perhaps testified in your case? A I have heard them but I have forgot them.
Q You don't recollect any name now? A I dont remember them now sir.
Q In the Irene House case and Joanna Barber case, in which you testified before the Commission, when you were making search for this testimony you couldn't find any other testimony from that of record except the Dr. Baker testimony, could you? A That's all we could find; no we didn't find the testimony, we got a copy.
Q Well it must have been a copy of the original, the certificate shows that? A I don't know; House got a copy of what claimed to be the affidavit of Baker and he told me to give it to him; that is all I know about it.
Q Well the certificate there does not bear my certificate does it? A I don't know about that, I am no scholar.
Q Well you didn t get the testimony of any other witnesses except that of Dr. Baker; you couldn't find any other over there of record? A I didn't hunt for any; House hunted for them.
Q None of you have ever been able to dfind any other? A No. Not even find our petition.
Q Samuel R. Dawson applied to what is known as the Adair Court, didn't he? A I don't remember now.
Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.
Q The father of these two parties who testified here this morning? A Well I don't know, they claimed to be, I never met them to know them.
Q He was rejected by the Adair Court, or Hayes Court? A I don't know whether he filed his petition.
Q Did you testify in his case? A I don't remember; I might have dont it.

Q Didn't you testify in the Andrew J. Dawson case before what is known as the Hayes Court? A I don't recollect, if I did I don't remember.
Q Did you testify in the Riley Dawson case? A No sir, not that I remember.
Q Didn't you know of his being rejected by that court? A I don't remember, sir.
Q You know that the Cherokee Council never authenticated the roll of 1880, don't you? A No sir, I don't know it; I didn't know this was done until I went to Tahlequah after some papers and came back and they told me about it.
Q You never found out that C. H. Taylor was a big rascal up until the present time have you? A (No response)
Q The records here show that he has been in the constant employment of your family from that date up to this time? A Why it shows here from the record; I would rather be excused for my part of it.
Q You were the man that had the most to do with it? A I never employed him, I can say that.
Q You are the man that had most to do with the records? A In my case and in my father's case.
Q Didn't you testify for your uncle Jim Dawson? A Yes sir.
Q Wasn't he attorney for him? A Yes sir.

Q Wasn't he employed by Jim Dawson after you got your citizenship?
A Why just but the grand-children.
Q Jim Dawson's petition was filed in September 1883, after yours?
A Yes sir.
Q C. H. Taylor, attorney of record, filed his petition? A He might have filed it for all I know.
Q Well you hadn't at that time fallen out with C. H. Taylor had you? A Why no, we never did have any trouble, only over this money, he never would give it back to me or give it to Bryant.
Q You never discovered that he was such a bad man until after your judgment was rendered? A I know he was not of good character.
Q Are you and Brought, this man who testified for the Cherokee Nation, on speaking terms? A Hardly speak.
Q Does he refuse to speak to you? A Sometimes he does.
Q Do you refuse to speak to him? A Yes sir.
Q Have you been speaking to him for the last two or three months?
A I have not spoke to him until I met him here at the hotel the other day.
Q First time you spoke to him since he had the boy arrested? A Yes sir.
Q When did he have the boy arrested? A Along in September or October, September I think.
Q When did Dr. Baker die? A I don't remember.
Q You don't remember how much older your father was than you?
A No, I don't know.
Q What is your age? A I will be 60 in May.
Q Then you were born in '42? A Yes sir, '42 according to the record.
Q Was your father as much as 25 years old when you were born?
A I couldn't say.
Q What was your best judgment? A I suppose he was 20 or 25 years old. My understanding he married young.
Q Can't you give any better idea than 4 or 5 years of your father's age? A I say 25.
Q Your father was born say, 25 from 42 would have made him be born in 1817; now had your father any older brothers or sisters? A I think Jack Dawson was the oldest of the family, no, Betty, the girl, was the oldest and Jack next, and then my father as well as I remember about it.
Q There were two girls older? A No, one of the girls I never saw.
Q Then you think there are only 2 older than your father? A Yes, that's my understanding of the family.
Q Dr. Baker gives his age 77 in '82, which would make him be born in '89, now he states that when he was 15 or 17 years old, which added to 1809, will make 1824, that your grandmother Anna Priett, was a school girl; whereas from your testimony and that of the family history introduced here shows that your grandmother Anna Priett was the mother of seven children, the youngest being born in 1827, how do you reconcile that? A I don't remember about the statement of Dr. Baker; I don't know that he made such statement as that, I don't remember about it.
Q And if he did you don't know how to reconcile it ? A (No response.)

Q Did you talk to any of the members of the Court that admitted you? A No sir, I was not acquainted with them.
Q You know whether they were old or young men? A They were old men like: Steve Tehee, I got acquainted with him afterwards, and Tom Thompson, at the Council you know I was there a good deal.

Q That was the fellow that was on the Court? A Yes sir.
Q He was afterwards Assistant Chief of the Cherokee Nation?
A I think so.
Q Given names, what's the man you had reference to? A Yes sir, I think it was, I just knew the man; I had no acquaintance with him at all.
Q D. W. C. Duncan boarded when you were down there at the National Hotel? A I think he did, as well as I remember now when we were admitted.
Q Don't you know he did? A I think he did, as well as I remember.
Q Were not you over there to his room? A I think I was.
Q You remember when it was that you brought Dr. Baker down there to make a statement before the Court? A It was in January Term, was in January Term of 1882 I believe, it was, as well as I remember about it.
Q Well you didn't take any more testimony after Dr. Baker testified? A No sir, I didn't.
Q But your case was not submitted or passed upon for a year? A I think it was, yes sir, as well as I remember.
Q I would like to ask you when the Blackinga e family came to the Cherokee Nation? A Alex Balaringa's came with us when we moved here, and went back and got his family and moved that fall.
Q Did he move his family here that same fall? A Yes sir.
Q What year was that? A In the fall of '83 I believe it was, as well as I remember now.
Q When did the Sulaska family come? A I think the girl and the old lady came in the next spring.
Q How long did they remain that time? A The old lady stayed here, but the girl went back and in a short time her and her husband came back.
Q Did she come back until after her marriage? A No, she was married when she came first.
Q The last time? A She was married I think, she was married when she came out.
Q How long has August Sulaska been a permanent and continuous resident of the Cherokee Nation? A I think he came there in the fall of 1884 or 1885, I would say which.
Q How long has Robert Pierce been a continuous resident of the Cherokee Nation? A Ever since he was admitted.
Q When was that? A '83.
Q How long has Martin L. Patterson? A Ever since he married his wife, and he was living here before he married his wife.
Q Who is Arizona Airey? A That is my daughter.
Q Did you bring her with you? A No not when I moved.
Q When did she come? A She came out in a year or two after I moved here.
Q Was she married when you moved here? A No sir, she was not married.
Q She was not married when you were admitted? A No sir, she was a child.
Q When did Jim Lowe come to this country? A With his grandfather, James Dawson.
Q What was his mother's name? A Melvina Dawson.
Q You know Jim Lowe's age? A No sir.
Q Don't know how old he was in '83? A No sir.
Q Was he grown? A I think he was.
Q Married? A No no.
Q Married in this country? A Yes sir
Q Who is James H. Ramon? A Married one of the Jackson girls.

Q When did they come to this country? A Right away after they was admitted.
Q In what year? A I think the middle of '84, I think it was, during or winter of '84.
Q You know Gideon Graham? A Yes sir.
Q Was he his father? A Missouri was Graham, formerly Missouri Dutton Dawson.
Q Did he ever live Texas in Arkansas? A He came from Texas.
Q Did you know that in Texas? A I knew the girl.
Q You never knew them until they came to this country? A I never knew him.
Q When did you see him here? A I think they were here in the fall or winter of 1884 or '5.
Q He was married then? A I think he was.
Q Around his wife? A I think he was, I don't know.
Q Did he have any children when you first saw him? A He came to my house and I never saw his family for--I don't know, for several years.
Q You understood he had a family? A Yes sir.
BY MR. ATKINSON:
Q Do you mean to say '84 or '85? A '85.
Q Did you see Gid Graham in '84? A Yes, let me study, maybe '85. BY MR. HASTINGS:
Q Did you see him in '85, then you insisted on that proposition? A I think so.
Q Will you swear it? A No sir, I don't positive swear it, but I think it was, as I remember how it was; I couldn't say positive.
Q All the people Mr. Duncan that have been admitted to citizenship by courts of competent jurisdiction unless they were de-citizenized by courts of acquired jurisdiction, enjoyed the same privileges that you have narrated here about going in and out and being tried in the courts? A Yes sir.

Q All that sort of thing that you have been telling here in your direct examination? A Ask for the question again.
Q I say all people who were admitted here by courts of competent jurisdiction, until they were de-citizenized by courts of like jurisdiction, enjoyed the same privileges that you did? A So far as I knew they was.
Q They all drawed money and all tried in the courts as long as we had criminal courts, were they not? A Yes sir, so far as I know.
Q There was no special privilege granted to you in preference to anybody else? A None but recognized citizens of the Cherokee Nation.
Q What you had been recognized since you were admitted? A Yes sir, I enjoyed the same privileges of native born Cherokees.
Q Well I say there is nothing special about it? A No, I don't know as there is.
Q You got acquainted with Mr. Duncan while you were up there during the hearing? A Yes sir, I was acquainted with him, I knew him, when I saw him.
Q Mr. Dill heard the examination of Mr. Baker? A Yes sir.
Q Did you file any other paper before the Court other than your petition and then Mr. Baker's statement? A I never filed any petition there at all.
Q None whatever? A I don't remember any.
Q Well you never had occasion to file any papers before Mr. Duncan? A I got him to do some writing for me.
Q What? A Letters to my brother in Texas.
Q Mack Dawson? A Yes sir, M. Dawson.

Q That? A Yes sir, know Dawson.
Q Well is that all he did for you? A I don't remember any more of it.
Q Why didn't you get your attorney to do that letter writing? A There was not any there.
Q Taylor and Bruner was not known then? A No sir.
Q That is what you paid the 30 or 35 dollars for, was writing this letter back to your brother? A I paid him for that claim.
Q When did you pay that? A I think I paid it, I don't exactly then, Carr Taylor paid it a year or two after I moved out here and settled where I did; might have been 8 years, I don't remember.
Q There was Dawson living then? A I couldn't say where.
Q Was he still clerk of this Court? A No sir, not when that money was paid, that is, when Carr Taylor said he paid it.
Q You did send Carr Taylor some money? A I sent some money to him for Joel Bryant.
Q You knew Joel Bryant's name was Rich't your? A No, I don't know that I did, No I didn't send Carr Taylor any money, I gave it to him.
Q How much did you give him? A One hundred dollars.
Q When? A Right at that time, he claimed it from me as soon as we got our papers; he came onto me and dunned me for Bryant.
Q You never sent him any then after that? A No sir.
Q Did you ever see Bryant after that? A Yes sir.
Q How long after that? A I don't know, a year or two afterwards, a year I believe, my brother wrote, I wrote to my brother about paying Carr Taylor money and he went onto my brother about it and he never paid him until we moved out to this country.
Q After all that you got him to attend to your uncle Jim Dawson's and the other relatives cases? A The other parties did.

BY MR. McKENNON:

Applicants object to all that part of the witness' evidence in response to interrogatories by representatives of the Cherokee Nation which relates to the character of the evidence upon which the judgments admitting members of the James and Robert Dawson families were admitted, and to the history of the members of the Dawson family, because the same is immaterial, incompetent and irrelevant.

BY MR. McKENNON:

Q One question I omitted to ask you Mr. Dawson, as to the Court at the time the judgment admitting Robert Dawson's family was rendered, who of the judges were present on that day? A They was all three of them, Dolfe, Tehee and Thompson.
Q Are you positive of that fact? A Yes sir.
Q You do not know this Andrew Dawson family who applied to the Dawes Commission for Cherokee citizenship, and who stated that they are cousins of some members of your family? A Andrew?
Q Andrew J. Dawson, who claim to be from Missouri? A How was the question?
Q You do not know them do you? A I don't know that they are any kin to me.
Q You don't know that they are related to you at all? A No sir.
Q Iain Mary Dawson here, do you know the members of that family? A No sir, I don't.
Q Don't know who they are? A No sir.
Q The Rebecca Dawson case? A I don't know her either.
Q You don't know whether they are related to you or not? A No sir.
Q If any of these persons are related to you or your family did you have any knowledge of it? A Not as I know of.

Q Jonnie Barker, do you know anything about them? A They claim to be kin to us.
Q Where are they from? A They are from Texas.
Q Do you know they are related to you? A They claim to be kin.
BY MR. HASTINGS:
Q Well you swore for the benefit of the Commission? A Yes, they claim to be kinfolks of mine.
BY MR. McKENNON:
Q Irene J. House, who is that? A That is a cousin of mine; claims to be.
BY MR. HASTINGS:
Q You testified for her didn't you before the Commission? A I think I did as well as I remember.
BY MR. McKENNON:
Q Before the Court that admitted James Dawson originally, who were the witnesses there? A Oliver Miller, from Berryville, Arkansas.
Q Who were the others? A Myself and J. Dawson and there was two other witnesses, I don't remember who they are.
Q Were they Cherokee citizens and residents of the Cherokee Nation? A Yes sir.
BY MR. HASTINGS:
Q You don't remember their names? A Which?
Q Of these other people who claimed to be citizens of the Cherokee Nation and who were witnesses? A I said about me and J. Dawson was citizens of the Cherokee Nation.
Q You only proved that Jim Dawson was a brother of Robert Dawson before the Court? A Yes sir.
Q And then referred back to the decision in the Court before? A We stated that they were citizens, and he knew my folks before he ever came here.
Q Was he older than Dr. Baker? A About the same age.
Q Why didn't you get Oliver Miller's testimony in the House case?
Q He was dead.
Q You and no member of your family in the Irene House case or the Jonnie Barker case or any of those cases that were tried before the Dawson Commission, in your affidavit ever had reference to the fact that Oliver Miller testified in Jim Dawson's case in '84 did you? A I don't remember about that.
Q You did make reference to the fact that Dr. Baker testified there in '83, didn't you? A I don't remember about that now.
Q You never made reference to any other witness having testified other than Dr. Baker did you? A I don't remember about it now.
BY MR. McKENNON:
Q Now just one other question: All of these papers in the original application and everything, so far as you know, in the James Dawson case, were filed before the Commission which admitted the James Dawson family, are lost or mislaid are they not? A I suppose they are, I don't know, I never saw them.
Q Have you tried to get copies of them? A Yes sir, I tried to get the original papers.

BY COMMISSIONER: This case is continued until 8:30 a.m., tomorrow morning, March 30th, 1902, it now being the hour for adjournment.

MARCH 30, 1902- 8:30 a.m. - J. M. DAWSON again on the stand, testifies as follows:
BY MR. McKENNON:
Q There was your brother Bob Dawson raised? A In Arkansas.

Q What County? A Carroll.
Q Near what town? A Berryville.
Q Did Dr. Baker live at Berryville? A Yes sir.
Q Was your brother Bill steadily remaining with him for many years?
A Yes sir.
Q Did he know him sufficiently to be acquainted with his character and habits of life? A Yes sir.
Q Do you know Josephine Pierce? A Yes sir.
Q Whose daughter was she? A Robert Dawson's.
Q Is she the same identical person who is called Josie Pierce, and Josie Dawson? A Yes sir.
Q Is there any other Josie Pierce or Josie Dawson or Josephine Pierce or Josephine Dawson? A I don't know but the one.
Q She was also called Josephine or Josie Kelly? A Yes, after she married; her first husband was Pierce.
Q And her second husband? A Wan Kelly.
Q There was another Josephine Dawson wasn't there, Bulaski's wife?
A Why they called her Joe, I suppose that's her name, I could not be positive; that was Riley Dawson's daughter, August Bulaski's wife.
Q She is much younger than your sister, Josephine, above referred to? A Yes sir, oh yes.

BY MR. HUTCHINGS:

Q Where were you born, Mr. Dawson? A Carroll County, Arkansas.
Q You know how old you are? A 42.
Q 42? A I think so.
Q How many older children were there of your father & mother than yourself? A Three.
Q Which were they? A E. Dawson, Riley Dawson and Jasper Dawson.
Q You are the fourth child and the fourth boy? A Yes sir, fourth boy.
Q Where were your father and mother married, do you know, from family history? A I think it was in Arkansas, I couldn't be positive, I think they was.
Q Do you know how long your grandfather lived in Arkansas? A No sir I don't.
Q Don't know what year he came to Arkansas? A Only from statement.
Q Well what did they say about it? A I think they come there prior in '30.
Q You know whether your father was born in Arkansas? No many of your grandfather's children were born there? A There was none of them born in Arkansas according to history and according to what he always told me, they were born in Tennessee.
Q He came there in '30, and all the other children were born on the Kiwassa River in Tennessee, before he ever came? A That is what I think, yes sir. Now I am not positive about that. They were from Tennessee, but either Dr. Baker lived there or my folks come from there; I don't know as I remember that I ever heard my father say where he was born at.
Q In Tennessee or where; he said he was a good big boy when he came to Arkansas? A I don't know as I ever heard him say.
Q Do you know the difference in the ages of yourself and your three older brothers? A No I don't.
Q Don't know the time that comes in between you? A No I don't know that; I think it is about two years though.
Q That would make E. Dawson about eight years older than you, probably? A Yes sir.

BY MR. McKENNON:
Q Did Josephine Pierce have a child who married Mr. Bogle?
A Yes sir.
Q That was her name? A I always knowed her by Dode Pierce; I don't know whether that is her right name or not.
Q That is Bogle's name? A John Bogle.
Q She is the child of Josephine Pierce who married John Bogle?
A Yes sir.
BY MR. HASTINGS:
Q Where did she marry John Bogle? A Near Afton.
Q When? A I couldn't state.
Q About when? A You have got a copy of the marriage license.
Q When did Josephine Pierce come to the Cherokee Nation? A '83.
Q Has she lived here continuously since that time? A Up until her death; she is dead.
Q Any of her children come with her at that time? A Yes sir.
Q And have they lived here continuously since that time? A Yes sir, except Bill Pierce, he went to Colorado and died.

J. C. STARR, being first duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q Your name is J. C. Starr is it? A Yes sir.
Q Mr. Starr, was that instrument taken by you, or before you? (Showing witness document.)
A Yes sir.
Q Where? A At the residence of S. H. Benge: near Fort Gibson.
Q When? A On the 15th day of this month.
Q What day of the week was that? A On Saturday.
Q Is that the day it was taken? A Yes sir.
Q Did you go there on Saturday to take this? A Yes sir.
Q Then when Judge Benge stated on Tuesday that it was taken "yesterday" meaning Monday, the 17th, he was mistaken, was he?
A It was taken Saturday, the 15th.
Q Was he mistaken or not? A It was not taken then.
Q Then his statement made on Tuesday the 18th that it was taken on "yesterday", meaning Monday, the 17th, was not correct, was it?
A I think not, because I was there, and it was taken on the 15th.
Q And it was taken on the 15th, you are positive it was taken on the 15th? A Yes sir.

Q Then of course his statement could not be correct? A I guess not.
BY MR. HASTINGS:
Q He was just mistaken about the date, wasn't he? A Yes sir.
BY MR. McKENNON:
Q Did you tell Charles T. Moore who is now present, on last Tuesday that they sent you out there on Monday to take that? A No sir.
BY MR. HASTINGS:
Q I sent you there last Saturday? A Yes sir.
Q And you went there at my direction, didn't you? A Yes sir, and come back Saturday night.

ROBERT L. DAWSON, being first duly sworn, and being examined testified as follows:
BY MR. McKENNON:
Q What is your name? A My name is Robert L. Dawson.
Q What is your age? A My age is something close to 30 years old, I am 29 past.

Q Are you a son of E. Dawson, commonly known as Buck Dawson?
A Yes sir.
Q I will ask you if you will examine this letter sent with the enclosure and state whether or not you found that among the papers of your father after his death? A (Hands letter to Witness who examines it) A Yes sir, I found this amongst the papers of my father. He always kept all his own papers, and me looking over them I saw this letter.
Q Has that been in your custody ever since you found it? A Yes sir, if that's the letter that was in the envelope.
Q Well that's what it is, you can tell whether it is or not. (Witness further examines letter) Q That purports to be a letter from Samuel H. Benge, does it not, to your father? A Yes sir. (Here Applicants' Attorney hands letter and envelope referred to to attorneys for Cherokee Nation.)

BY MR. McKENNON: I want to offer this letter in evidence in this case; it is a letter signed by S. H. Benge, attorney at law, dated Fort Gibson, C. N., Jan. 13, 1883. Addressed to Mr. E. Dawson, Esq., together with the envelope, in which it was enclosed, with the card of C. H. Taylor upon it, attorney at law, Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T., January 13.

BY MR. HUTCHINGS: The Nation objects to the introduction of this letter for the reason that S. H. Benge is living and has testified in this case, and his handwriting should be either proven or denied by himself.

G. W. BENGE, being first duly sworn, and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A G. W. Benge.
Q Are you a son of Samuel H. Benge? A Yes sir.
Q Do youknow his handwriting? A I believe so.
Q Is that his handwriting? (Shows witness letter before referred to.) A Yes sir, it is either his or a resemblance of his.
Q To the best of your knowledge and belief is that his letter?
A Yes sir.

BY MR. McKENNON: Now we offer it in evidence.

BY COMMISSION: (Reading letter)

"Fort Gibson, C. N.,
Jan 13th, 1883.

Mr. E. Dawson, Esq.,

Dear Sir:- I write this note to inform you that your case came off before the Court on Citizenship on the 11th inst, and was decided in your favor, so you all are citizens of this Nation. F. M. Dawson was furnished with a copy of the decision at the court. He will write to you also. You will please send me fifty dollars as my fee in your case according to contract. Send it to Fort Gibson, Cherokee Nation.

Respectfully yours,
S. H. Benge,
Attorney at law."

Enclosed in envelope, as follows:
Card in upper corner, left hand:
"Return in ten days to C. H. Taylor,
Attorney at Law,
Tahlequah, Ind. Ter."
Addressed: "Mr. E. Dawson,

Henryetta,
Okla Co., Texas,

Post-marked: " Tahlequah, Ind T. Ind T."

ROBERT L. DAWSON, re-called and further examined, testified as follows:

BY MR. McKENNON:

Q Now examine that and see if that is also a paper which you found among your father's papers after his death? (Hands papers to witness) A That is the same letter that I found.

Q Among the ones that you found the Benge letter? A Yes sir.

BY MR. McKENNON: This is a letter purporting to have been written by J. M. Bryan, to E. Dawson, dated at Chouteau Station, Cherokee Nation, and not dated, which we offer in evidence. (Applicants' attorney hands said paper to Nation's attorneys.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSION: (reads letter)

"Chouteau Station, Cherokee Nation.
I. T., M. K. & T. R. R.

MR. Dawson:

Dear Sir:-

I am in receipt of your favor of the 30th inst in regard to our contract.

After I had got the claim so there would be little more to do I employed Campbell Taylor to answer for me when the case came up, for which I was to pay him $30 out of my fee.

This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, or that you was to pay him $100- and that you had offered him a check on some bank in Texas.

That $100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

And I am satisfied that you are apprised of the earnest work I done for you, Please write to me.

Very respectfully,
Very truly,
J M. Bryan."

Q I will ask you if you know of your father having paid Bryan that money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A No, I don't know whether I know his age or not.

Q If you don't know you can't say? A I wouldn't have no reason to know his age; never asked him his age; of course I guess my mother knows.

Q Never had occasion to talk about his age at all? A Oh I have heard him speaking of his age at different times, but then I never paid enough attention to it.

Gid Graham, being first duly sworn and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A Gid Graham.

Q How old are you? A Mr. Graham? A I am 35 years old.
Q How long have you been living in the Territory? A I came out here in 1887 or '88.
Q To the Cherokee Nation? A Yes sir.
Q How long have you been living in the Cherokee Nation, what year was that '87 or '8? A Yes sir.
Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.
Q How long did you live in the Cherokee Nation? A About 6 years.
Q Where did you go then? A Wagoner.
Q In the Creek Nation? A Yes sir.
Q And been residing there ever since? A Yes sir.
Q In business? A Yes sir.
Q Have you all the while been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q Mr. Graham, do you know Judge Samuel H. Benge? A Yes sir.
Q Did you have a conversation with him in Fort Gibson about September of 1900? A Well as to the exact time I couldn't say, it was sometime about the time that the Dawes Commission were at Sallisaw, or possibly a little later, somewhere about there.
Q Taking the census of the Cherokees? A Yes sir.
Q At that time had the question of the validity of the judgment of the Cherokee citizenship commission admitting Robert Dawson and family been called in question? A Yes sir.
Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.
Q What did he tell you about it; well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A . He did.

BY MR. HUTCHINGS:

Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?
Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.
Q And he told you the judgment was all right? A Having known that Mr. Benge was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I might want his affidavit concerning the matter, and I also I think maybe wrote to him; possibly prior to that, I am not sure as to the writing, but I think possibly I did.
Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would use him in person; he assured me that everything was all right.
Q Your mother was Missouri Dawson was not she? A Yes sir.
Q Her name was Missouri Graham when she was re-admitted to citizen ship? A Yes sir.
Q And was not Missouri Dawson as named in that judgment? A Yes sir.
Q Do you know whether the other ... children named in there had married and changed their names also at the time they were admitted? A There were no' any of them married.
Q Ella Dawson was your aunt? A Yes sir.
Q Was she married at that time? In 1883? A Yes sir.
Q Melvina Dawson, was she married at that time? A Yes sir.
Q And the fourth one you have mentioned, Missouri Dawson, was your mother? A Yes sir.

Q Can you give us the exact date of your birth? A Yes sir.
Q Do so, please? A January 21, 1867.
Q And you came to the territory then? A In 1887 or 1889.
Q You can't make that any more definite? A Well sir, it has been a good while ago, and I didn't have anything to cause me to.
Q Well I just want to know whether you did have or not? A No sir.
Q When were you married? A 1886.
Q You were married prior to coming here? A Yes sir.
Q Your first child born away from here? A Yes sir.
Q What is its name? A John W.
Q '86 you were married, and he was born about the spring of '87? A Somewhere in 1887, I don't remember.
Q Prior to your coming here? A Yes sir.
Q That is the only child you had that was born away from here? A No sir, Julius.
Q Julius was not born in the Territory? A No sir.
Q And prior to the time of your removing to the Territory? A Yes sir.
Q These are the only children born out? A Yes sir.

BY MR. McKENNON:

Q Do you know Campbell Taylor? A Yes sir.
Q I will ask you if about February 1901, he came to Wagoner, and sent his son to have you come to the hotel at night where he was, and if he then and there said to you "You people are on the doubtful list, and if you will give me five hundred dollars I will make it all right and)see that you are enrolled, and if you don't I will see that you don't get on".? A Well now as to the first part of thatquestion, where you say he sent his son; that is an error; I don't know whether he came to my house or sent some one; when I returned home that evening my wife told me there was some one there to see me, and was at the city hotel at Wagoner, and said come down and see him; I went down there; I never had met Taylor; he introduced himself to me and stated what his business was; asked me if I was on the doubtful list, etc., to which I replied that we were; he asked me if I didn't want to employ him, stating that if we would give him, our family would give him five hundred dollars he would see that we were placed on the rolls all right, but if we refused to give him five hundred dollars that he would use his influence against us and see that we were rejected.
Q You never had met him before, or had any communication with him? A I never met him before; as to the communication, I may have written him something about his affidavit as to the validity of that judgment, I can't say as to that. He said in his testimony that I did; I don't know whether I did or not now.

BY MR. HUTCHINGS:

Q You knew he was the attorney in the case, originally? A After looking at the records I did.
Q I mean you knew it at the time you wrote to him about the affidavit; that was the reason why you thought he would know something? A Certainly.
Q He never told you he was going to swear against you or threatened to tell anything that was not true? A He just simply said unless we gave him that five hundred dollars he would see we were all cut off the rolls.
Q Said he would use his influence against you, that is what he said? A Yes sir.

BY MR. HASTINGS:
Q You don't deny writing to him then for the affidavit? A I don't say I did or I did not. I neither affirm it or deny the question.
Q You went to Campbell Benge and also wrote him with reference to what he knew about the case? A I don't know whether I wrote him or not, I think I was under the impression I wrote him then.
Q You went to see Aaron Butler, who was interpreter before that court that admitted you? A Yes sir.
Q And you went with Aaron Butler to see Mr. Smith, attorney before that court? A Yes sir.
Q And you either write or went to see everybody you knew of that was before that court then? A Yes sir.
Q That shows you used considerable activity? A Yes sir, I used such activity as was to my interest.
BY MR. McKENNON:
Q This was all after the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof such as had appeared before the Commission had been placed upon a doubtful card? A Yes sir.
Q Then you began to look up the evidence and see what there was in it? A Yes sir.
Q As Mr. Hastings has stated? A That's right.
BY MR. McKENNON:
Q You are a grandson of James Dawson? A Yes sir.
Q The old gentleman? A Yes sir.
Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1884, wasn't it? A Yes sir, well I can't be exact as to that.
Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.
Q Was that other James Dawson did you know belonging to the families, either one of these families, Robert Dawson family or the James Dawson family? A I never knew of but two James Dawsons.
Q Who were the others? A Dr. James R. Dawson, who is present and standing right here; my grandfather, James Dawson.
Q Was there in '84 any James R. Dawson 35 or 40 or 45 years old, that you know of, belonging to either one of these families?
A No sir.
Q Do you know how old Dr. James R. Dawson was that that time?
A James Dawson? Q No I am speaking of Dr. James R. Dawson? A Oh, how old he was, no sir, I do not.
BY MR. HUTCHINGS:
Q Do you know who was here attending to your mother's citizenship case at that time, at the time they were admitted? A Yes sir, James Low and Bill Jackson, son of Ellen Jackson.
Q Who was W. A. Dawson? A That is Wilburn, my uncle.
Q Was he here? A I don't know sir.
Q You were not here any of the time? A No sir.
Q You knew your grandfather then, you had lived in the same neighborhood with him? A Yes sir, I knew him well.
Q He didn't die for a year or two after that did he? A After when, Mr. Hutchings?
Q After his admission to citizenship? A No sir, he didn't die I think until '92 or '90, several years after.
Q Very old man when he died? A Yes sir.
BY MR. McKENNON:
Q About what age? A He was approximately 80 years old.
BY MR. HUTCHINGS:
Q When he died? A Yes sir.

BY MR. HASTINGS:
Q That about 1884? A I think so, yes sir.
BY MR. McKENNON:

Applicants object to the testimony of the witness elicited by interrogatories of Counsel for the Cherokee Nation relating to his family, their history, etc. as being immaterial, irrelevant and incompetent.

James R. Dawson, being first duly sworn, and being examined, testified as follows:
BY MR. McKENNON:
Q Your name is James R. Dawson? A Yes sir.
Q Where do you live? A Afton, Indian Territory.
Q What is your age? A 45.
Q You are a physician are you not? A Yes sir.
Q Was James Dawson, whose family was admitted in 1884, an uncle of yours? A Yes sir.
Q Do you know what his age was at that time? A No sir, I do not, only approximately.
Q State as nearly as you can? A At the time of theadmission?
Q Yes sir? A About 70, I don't know exactly.
Q How old was he when he died? A I would suppose he was about 78.
Q What was your age in 1884? A I am 45.
Q What year were you born, Doctor? A I was born in '55.
Q Must have been '56? A Yes sir, that's right.
Q What was your age then? A In '84?
Q Yes sir? A About 28.
Q Were you present at the time that James Dawson family was admitted, or at any time while their case was pending before the Cherokee citizenship commission? A Not while the James Dawson case was, no sir.
Q You were present during your father's case? A I was there at the time.
Q When was that? A The dates I dispute her; when the case first came up, I dispute her the exact date.
Q How long were you there? A I was there about a week.
Q Was that when it first came up you say? A Yes sir.
Q Nothing was done? A No sir.
BY MR. HUTCHINGS:
Q You never saw Dr. Baker? A Yes sir.
Q Did he and your uncle Jimmie use to talk about how they played together when they were boys? A My uncle Jim and Dr. Baker talk?
Q Yes? A I never saw them together.
Q They were about the same age? A Yes sir, I believe Dr. Baker was 10 years older probably.
Q Dr. Baker must have been mistaken about his own age? A Guessing, that's all I know about his age.
Q The Doctor had been paralyzed, rather a decrepit looking man at the time he was over here at this citizenship business? A No sir, not as I know anything about.
Q He was near about 70 then? A I couldn't tell you, he was an old looking man.
Q Your uncle Jimmie was about 70? A Yes sir.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

W. W. HASTINGS, being first duly sworn, and being examined testified as follows:
BY MR. HUTCHINGS:

Q State your name? A W. W. Hastings.
Q Residence? A Tahlequah, age 33.
Q You are attorney for the Cherokee Nation in the general preparation of these cases? A Yes sir.
Q Just state how it happened that you summoned Mr. Campbell Taylor, and what occurred between you with reference to his testimony?
A Well there had been some talk, as the testimony here indicates, that there was perhaps fraud in the admission of this family, and by agreement with counsel on the other side, and the Commission, this case was set for the 17th day of March, and some short time prior to that, as the attorney for the Nation I began to make some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote C. H. Taylor to come down here. I don't think in that letter that I told him what I wanted with him. I don't think I told him the case that I wanted him to testify in; that is my recollection now. Mr. Taylor prior to that time, neither directly nor indirectly, so far as I know, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I summoned him; perhaps the fact that I knew he had been connected with them in some way and that I perhaps also would get some information from him. Well he came in response to a letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe he could be compelled to testify, and that is he was put upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length; I asked him what he knew about it; of course he for a long time declined to tell me; and what information I did get from him was by piecemeal. He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him.
Well we talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he detailed to me the facts just as he told them on the stand; I don't believe there is the slightest variation, except that he perhaps was not so full at that time and it was told by piecemeal, but I got all those facts out of him, or very nearly all those facts out of him. He may have elaborated a little more here by examination; but he never voluntarily gave me any information at all, either directly or so far as I know indirectly. I don't think he sent any one to me. I got his name because I heard he was connected with the case, and perhaps knew something about it, like I did a great many other people, more of whom I didn't bring, because they didn't know what I supposed they did know about the case.

With reference to S. M. Benge, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. C. Starr over to S. M. Benge's place to take his affidavit on Saturday, March 16, in the W. H. and J. W. Shoemake case, and their descendants. I had heard that Mr. Benge knew some important facts in connection with the Shoemake case and I sent him over there then to take that affidavit; and when Mr. Starr came back he told me that he knew some facts also in connection with these other cases, and I was surprised to find he had instead of one affidavit, ? in the Shoemake case, that he also had another affidavit in the Dawson case. That is the first information I had that Mr. Benge knew anything whatever in connection with the Dawson case, and therefore he never voluntarily, either directly or indirectly gave any information prior to that time to me.

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not seekin anything else but the truth, and didn't want him to tell anything else but the truth.

I want to say again that after he was on the stand and left that evening, and after Captain McKennon, or counsel for the family, had indicated his willingness for Mr. Taylor to testify, that he went over all of these facts that he testified to on the stand subsequent to that time in the presence of J. C. Starr in my office. I simply wanted to go on the stand for the purpose of showing that Mr. Taylor hadn't voluntarily given me any information, and I make this statement for that purpose.

BY MR. McKENNON:

Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the pursuation that I brought to use.
Q He therefore did it simply upon your pursuation? A Yes sir.
Q You knew he had been acting as attorney for these parties?
A Yes sir, I had seen from the record that he did too.
Q And he told you so? A Yes sir.

BY COMMISSION: The attorneys for the applicant and the representatives of the Cherokee Nation will be granted thirty days from the receipt of the transcript in this case in which to file a brief in this case with the Commission.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. Green.

I, Arthur G. [redacted] of [redacted], state that the foregoing is a correct copy of the agreement entered into by me with [redacted] relative to the construction [redacted] and that the same is a true and correct copy of the original.

Arthur G. [redacted]

Subscribed and sworn to before me this 12th day of December, 1908.

B. O. Jones
Notary Public.

File with Cherokee D-737, Florence Morgan, et al.

[redacted]

CONSENT TO THE FIVE [redacted] ROLL.

In the matter of the application of Florence M. Morgan, et al for enrollment as Cherokee citizens, contemplating the application of,

[redacted]	Morgan et al	Cherokee	D. 324
[redacted]		"	D 580
[redacted]		"	D 581
[redacted]		"	D 584
[redacted]		"	D 585
[redacted]		"	D 586
[redacted]		"	D 587
[redacted]		"	D

Tennessee Keatley, et al.,	Cherokee	D	406
Henry W. Richardson, et al.,	"	D	515
Ella Fraser,	"	R	12
Nellie A. Bowers,	"	R	13
Thomas J. Rountree, et al.,	"	D	548
Elbert T. Peden, et al.,	"	D	621
William B. Rountree,	"	D	622
Florence Rountree, et al.,	"	D	737
John H. Fitzgerald,	"	D	845
George A. Maley, et al.,	"	D	879

D E C I S I O N.

It appears from the record herein that applications were made to this Commission at the times and places hereinafter mentioned for the enrollment of the following named persons as citizens of the Cherokee Nation:

D 584 By Francis M. Dawson, son of Robert Dawson, at Vinita, Indian Territory, on September 17, 1900, for the enrollment of himself and his minor children, Sula, Ray, Jessie J., Jacob L., Ruth A. and Lelia B. Dawson as citizens by blood, and for the enrollment of his wife, Nellie Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 30, 1902.

D 580 By John Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 1, 1902.

D 581 By William R. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself and his wife, Fannie Dawson as citizens by blood. Fannie Dawson has been differently classified and is not embraced in this decision.

D 584 By Andrew C. Atkins, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Lizzie Atkins and his minor children, Arthur, Nina E., Edgard C. and George J. F. Atkins as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 10, 1902.

D 588 By Francis M. Dawson, Jr., son of Francis M. Dawson and grandson of Robert Dawson, at Nowata, Indian Territory, on October 18, 1900, for the enrollment of himself as a citizen by blood.

D 335 By Francis M. Dawson, Sr., at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of his daughter Arizona Allred and his grand-son William C. Allred as citizens by blood.

D 350 By Samuel R. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his two minor children August and Nate Dawson, as citizens by blood, and for the enrollment of his wife Catherine Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 3, 1902.

D 352 By Robert Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by blood.

D 358 By Albert H. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his minor children Ralph H., Alford and Cecil Dawson as citizens by blood, and for the enrollment of his wife Sarah F. Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 3, 1902.

D 365 By August Bulawsky, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for his wife Josephine, and his minor children Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.

D 482 By John W. Dawson, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Nannie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 402 By Charles J. Newman, for the enrollment of his wife Katie Newman as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, 1903.

D 578 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his minor children Robert B., Iola M., Lemuel H., Rosa B., Charles B., Hattie J., Jennings B. and James U. Dawson as citizens by blood, and for his wife Sarah J. Dawson as a citizen by intermarriage. On November 20, 1901, an affidavit was filed for Vergal C. Dawson, a ninth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 20, 1902.

D 360 By Thomas P. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his minor child Marice J. Dawson as citizens by blood.

D 530 By Orle H. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his minor child, Burr R. Dawson as citizens by blood. On October 31, 1903, a birth affidavit was filed for James W. Dawson, a second child of the applicant.

D 403 By Robert Dixon, at Vinita, Indian Territory, on September

24, 1900, for the enrollment of himself and his minor child Myrtle as citizens by blood, and for the enrollment of his wife Nellie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902. On January 9, 1902, an affidavit was filed showing the birth of Arthur Pierce, a second child of the applicant.

D 408 By William Pierce, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D 431 By Charles E. Pierce, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by blood.

D 471
D 472 By John B. Gray, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Oma Gray, his minor child, Cecil Gray, and his sister-in-law, Effie Pierce (now Effie Akin), as citizens by blood. John B. Gray is differently classified and is not embraced in this decision. Further proceedings were had in the matter of this application at Vinita, Indian Territory, on October 4, 1900, and at Muskogee, Indian Territory, on July 21, 1902. On February 18, 1903, an affidavit was filed showing the birth of Velton Gray, a second child of the applicant.

D 479 By John S. Bogle, at Vinita, Indian Territory, on October 2, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nancy J., and his minor children, James E., Edna M., John R., Marvin R. and Claud Bogle as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902. On October 31, 1902, a birth affidavit was filed for Nancy Edith Bogle, born since the date of this application.

D 364 By Joseph R. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his five minor children, Clarence E., Council J., Elmer A., Cleo, and Rufus T. Dawson, as citizens by blood, and for the enrollment of his wife, Florence Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 18, 1901, and at Muskogee, Indian Territory, on October 3, 1902. On October 19, 1901 an affidavit was filed showing the birth of Edgar Dawson, a sixth child of the applicant.

D 475 By Wilborn Dawson, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by blood.

D 518 By Charles T. Moore, at Vinita, Indian Territory, on October 4, 1900, for his enrollment as a citizen by intermarriage, and for the enrollment of his wife, Nollie, and his five minor children, Nora, Walter, Clara, Ora and James W. Moore as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 10, 1902, and on March 17, 1902, an affidavit was filed showing the birth of Edna E. a sixth child of the applicant.

D 826 By James H. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his three minor children, Vinnie D., Erwin C. and Edwin C. Dawson as citizens by blood, and for the enrollment of his wife, Martha A. Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 8, 1900, and at Muskogee, Indian Territory, on October 3, 1902, and on September 13, 1901, an affidavit was filed showing the birth of Ahoil F. Dawson, a fourth child of the applicant.

D 832 By Henry A. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his minor child, Vinnie C. as citizens by blood, and for the enrollment of his wife, Birdie J. as a citizen by intermarriage. Birdie J. Blasingame is differently classified and is not embraced in this decision.

D 833 By Elbert L. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his three minor children Willis F., Earl D. and Alexander Blasingame, Jr., as citizens by blood, and for the enrollment of his wife Ida, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 6, 1902. On October 31, 1902, a birth affidavit was filed for Elmer R., born since the date of this application.

D 834 By James R. Blasingame, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his two minor children, William A. and George L. Blasingame as citizens by blood, and for the enrollment of his wife, Mary A. Blasingame as a citizen by intermarriage. On February 28, 1901, an affidavit was filed showing the birth of Grace D. Blasingame, a third child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 8, 1902.

D 435 By Martin L. Patterson, at Vinita, Indian Territory, on September 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Zona, and his five minor children, Sarah A., Martha A., Claud A., Edgar D. and Thomas M. Patterson, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 4, 1902, and on October 23, 1901, an affidavit was filed showing the birth of Virgil V., sixth child of the applicant.

D 604 By William C. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Alice as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 3, and October 10, 1902.

D 605 By Robert L. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood.

D 606 By Elbert E. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood. On July 8, 1901, an affidavit was filed showing the birth of Ralph H. Dawson, a child of the applicant.

D 609 By Sarah J. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 15, 1902.

D 617 By Richard W. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself and his minor child Ina E. as citizens by blood, and for the enrollment of his wife, Luella as a citizen by intermarriage. Luella Dawson is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, 1902.

D 626 By Ella L. Spickerman, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of herself and her minor child, Hellen J. Spickerman, as citizens by blood, and for the enrollment of her husband, John J. Spickerman as a citizen by intermarriage. John J. Spickerman is differently classified and is not embraced in this decision. On March 8, 1902, an affidavit was filed for William Glenn Spickerman, a second child of the applicant.

D 627 By Francis M. Dawson, son of Elbert Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself as a citizen by blood.

D 83 By John W. Graham, at Fairland, Indian Territory, on July 13, 1901, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Missouri and his minor children Tempa V. and Robert S. Graham, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2, 1902.

D 35 By Gideon Graham, at Westville, Indian Territory, on July 16, 1900, for the enrollment of himself and his minor children, John W., Julius E., Francis W., Mary E., Jesse E., Gracie L. and Florence M. Graham as citizens by blood, and for the enrollment of his wife Elizabeth Graham, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902.

D 836 By Mathew A. Painter, at Chelsea, Indian Territory, on November 30, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverna A. and his five minor children Ada R., Eva P., John W., Ray D., and Roberta A. Painter, as citizens by blood. On December 7, 1900, an affidavit was filed for Roy V. Painter, a sixth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2 and 3, 1902.

D1124 By Charles T. Bradshaw, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself as a citizen by intermarriage, and for his wife Florence P. and his minor children, Myrtle and Claude Bradshaw as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 20, 1902.

D1125 By Joe E. Graham, at Muskogee, Indian Territory, on Febru-

ary 23, 1901, for the enrollment of himself and his minor child William C. as citizens by blood.

D1126 By John F. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor child Edna M. as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902. On October 31, 1902, a birth affidavit was filed for Robert Lee Graham, a second child of the applicant.

D1127 By James Neal, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of his wife, Joe Willie Neal, as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D1128 By James M. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor children, Marion, Maggie, Luther, Liddie and Margaret Graham as citizens by blood, and for the enrollment of his wife Bessie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902. On October 27, 1902, a birth affidavit was filed for Floyd Graham, born since the date of this application.

D 395 By Green W. Jackson, at Vinita, Indian Territory, on September 22, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Ella Jackson as a citizen by blood.

D 476 By James H. Harmon, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Flora and his minor children, Lillie R., Claud, Dwight, and William D. Harmon, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902.

D 508 By Toshie A. Jackson, at Vinita, Indian Territory, on October 3, 1900, for his enrollment, among others, as a citizen by blood. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 7, 1900.

D 830 By Lizzie Jackson, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children Osie, Lizzie, Jessie, Ray and Clyde Jackson as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 847 By William C. Lenox, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Fannie and his minor children Birtie E. and Myrtle Lenox as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 839 By James Lowe, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his minor children, May, Zelma, Roberta and Rosa Lowe as citizens by blood.

D 405 By Willie T. Dawson, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 13, 1902.

D 406 By Tetanna Woolley, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself and her minor child Irene W. Woolley as citizens by blood. On March 27, 1902, an affidavit was filed showing the birth of Wilburn E. Woolley, a second child of the applicant.

D 715 By Henry T. Richardson, at Claremore, Indian Territory, on October 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Kitty, his minor children Delia F. and Finis T. Richardson and his step-children, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flournoy as citizens by blood. Florence Flournoy is embraced in another application herein as Florence Morgan (D - 737). Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902, and on August 20, 1902, a birth affidavit was filed for Jasper G. Richardson, born to Henry T. Richardson and his wife, Kittie, since the date of this application.

R 12 By Etta Brauer, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by blood.

R 13 By Melissa A. Dawson, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by intermarriage.
Further proceedings in the matter of said application were had at Vinita, Indian Territory on October 4, 1900, and at Muskogee, Indian Territory, on October 14, 1902.

D 521 By Lula Pearl Weddle, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of herself and her minor children Curtis and Morris O. Weddle as citizens by blood, and for the enrollment of her husband, Hiram F. Weddle as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 14, 1902. October 31, 1902, a birth affidavit was filed showing the birth of Roy Weddle, a third child of the applicant.

D 522 By William D. Douthitt, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself as a citizen by blood.

D 547 By Alonso M. Fishback, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Laverna A. Fishback and his minor children William A. and Annie B. Fishback as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 3, 1902.

D 737 By Elbert L. Morgan, at Claremore, Indian Territory, on October 29, 1901, for the enrollment of his wife Florence and his minor child Clide as citizens by blood. On April 30, 1902, an affidavit was filed showing the birth of Alice A. Morgan, a second child of the applicant.

D 342 By John R. Pinkbeck, at Chelsea, Indian Territory, on November 30, 1900, for the enrollment of himself as a citizen by blood.

D 371 By George A. Mabry, at Tahlequah, Indian Territory, on December 24, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, [illegible], and his minor children Roby and Shurley Mabry as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, January 15, 1901, and March 17, and October 15, 1902.

Proceedings were had in the matter of F. M. Dawson, et al., before Lewis F. Martin, a Notary Public on October 4, 1900, and further proceedings were had therein before the Commission at Muskogee, Indian Territory on March 17, 1902. All of these proceedings have been made a part of the record herein.

The evidence, and an examination of the records of the Cherokee Nation, in the possession of this Commission show that on January 11, 1883, one Robert Dawson and his adult children, F. M. Dawson, Elbert Dawson, Jasper Dawson, Mollie Dawson, Wilborn Dawson, James Dawson, Rial Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson and John Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship, commonly known as the "Teehee Court", and that on September 9, 1884, one James Dawson, a brother of the Robert Dawson aforesaid, together with his adult children, Ella Dawson, W. A. Dawson, Malvina Dawson and Missouri Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship commonly known as the "Spears Court." In addition to their tribal enrollment as shown by the evidence herein, it also appears from an examination of the Cherokee tribal rolls, in the possession of this Commission, that F. M. Dawson is identified on the Cherokee pay rolls of 1883 and 1894, Elbert Dawson on the Cherokee pay roll of 1886, Mollie Dawson on the pay roll of 1883, Wilborn Dawson on the pay rolls of 1886 and 1894, James Dawson on the pay rolls of 1883 and 1894, Rial Dawson on the pay rolls of 1886 and 1894, Josephine Dawson on the pay roll of 1886, Jane Dawson on the pay roll of 1883, Joseph Dawson and John Dawson on the pay rolls of 1883, 1886 and 1894, Ella Dawson and W.A.

Dawson on the Day roll of 1880, and Missouri Dawson on the Day roll of 1894.

A majority of the above named persons, together with the descendants of the persons admitted as aforesaid and such white persons as may have intermarried with the said Dawsons or their descendants are the applicants herein.

For convenience, the applications are divided into groups:

Group 1, includes the applications of Francis M. Dawson and those claiming through him and embraces cases numbered D 324, D 530, D 531, D 584, D 588 and D 835.

The evidence shows that Francis M. Dawson is the same person admitted to citizenship as hereinbefore stated under the name of F.M. Dawson. Katie Dawson, his wife, was married to him on November 21, 1880. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married, and the six children included in the application of said Francis M. Dawson, and hereinbefore named are the issue of the marriage aforesaid. All the applicants herein are identified on the Cherokee Census roll of 1896.

John Dawson, William R. Dawson, Lizzie Atkins, formerly Dawson, Francis M. Dawson, Jr., and Arizona Allred are the children of said Francis M. Dawson by a former wife, Julia Ann. They were minors at the date of their father's admission to citizenship. John Dawson, Lizzie Atkins and Francis M. Dawson, Jr., are identified on the Strip Payment roll of 1894, and William R. Dawson and Arizona Allred are identified on the Cherokee Census roll of 1896.

Andrew C. Atkins was married under a Cherokee marriage license

and in accordance with the laws of the Cherokee Nation on March 28, 1891, to the above named Lizzie Dawson. He has resided in the Cherokee Nation with his said wife since they were married, and the four children included in his application, and hereinbefore named are the issue of that marriage. The eldest child, Arthur, is identified on the Cherokee pay roll of 1894, and the three younger children are identified by birth affidavits on file with this Commission.

Arizona Allred, nee Dawson, came from Arkansas to the Cherokee Nation for the first time in 1894, remained there about two years and then returned to Arkansas, where she was married to Ben Allred. Such marriage was not in accordance with the laws of the Cherokee Nation. Arizona Allred and her husband came to the Cherokee Nation in 1896, stayed there a month and returned to Arkansas where they remained until September, 1898, at which time they came to the Cherokee Nation, remained there about a year and returned to Arkansas in 1899, where they were living at the date of this application. William C. Allred is the child of said Arizona Allred and possesses no rights not acquired by his mother. He is identified on the Cherokee Census roll of 1896.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides:

> "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The evidence further shows that Francis M. Dawson, his wife, Katie and William R. Dawson, Francis M. Dawson, Jr., and Lizzie Atkins have resided in the Cherokee Nation since 1883, and Andrew C. Atkins, the husband of said Lizzie Atkins, since 1891, and that John Dawson has resided in the Cherokee Nation for at least fourteen years prior to the date of his application. The residence of the minor children of the above named persons is considered to be that of their parents, with whom they are living.

Group XI, includes the applications of Samuel R. Dawson, together with those claiming through him and enrolled cards numbered 2 990, 2 992, 2 993, 2 995, 2 996, 2 997 and 2 998.

The evidence shows that Samuel R. Dawson is identified as the Sam Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. His wife, Catherine, a white woman, was married to him on July 11, 1868. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Nelissa Dawson vs. E. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since their marriage, and August and Kate Dawson are the issue of the aforesaid marriage. Samuel R. Dawson, his wife and children are identified on the Cherokee Census roll of 1896.

Robert Dawson, Albert H. Dawson, Josephine Bilawsky, formerly Josephine Dawson, John W. Dawson, and Katie Newman, formerly Katie Dawson are the children of said Samuel R. Dawson. They were minors at the date of their father's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Sarah F. Dawson, nee Abbott, was married to the said Albert H. Dawson in October, 1894. She has lived with her said husband, since they were married. Ralph H., Alford and Cecil Dawson are the issue of that marriage. Sarah F. Dawson and her child Ralph H. are identified on the Cherokee Census roll of 1896. Alford is identified by a birth affidavit on file with this Commission. The evidence further shows that the youngest child, Cecil Dawson, is dead.

August Bilawsky, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 25, 1898, to the said Josephine Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. The

four older children are identified on the Cherokee Census roll of 1896, and the Strip payment roll of 1894. May Talowsky is identified on the Cherokee Census roll of 1896, and Oscar Talowsky is identified by a birth affidavit on file with this Commission.

Minnie Dawson, nee Bridges, was married to the said John W. Dawson on September 2, 1894, and she has lived with her said husband since they were married.

The evidence further shows that Samuel R. Dawson, his wife, Catherine, and Robert Dawson, Albert H. Dawson, John W. Dawson, and Katie Bowman have resided in the Cherokee Nation since 1886, August Talowsky and his wife Josephine, since 1893, and Sarah F. and Hannie Bryant since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group III, includes the application of John Dawson, and those claiming through him and embraces cases numbered D 578, D 360 and D 830. The evidence shows that John Dawson is the same person admitted to citizenship in the Cherokee Nation as hereinbefore stated. Sarah J. Dawson, nee Wood, his wife, a white woman, was married to him on October 4, 1871. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married and the nine children included in the application of said John Dawson, and hereinbefore named, are the issue of said marriage. John Dawson, his wife, and his seven older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Thomas P. Dawson and Orle E. Dawson are the children of said John Dawson. They were minors at the date of their father's admission to citizenship, and they are both identified on the Cherokee

census roll of 1896.

Thomas P. Dawson was married on April 24, 1898, to Allen A. Allen, and Hester J. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Orie M. Dawson was married on December 28, 1899, to Addie York, and Mary E. and James F. Dawson are the issue of that marriage. The said children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John Dawson and his wife, Sarah J., have resided together in the Cherokee Nation since 1883; that said Orie M. Dawson has resided in the Cherokee Nation since 1883, and that Thomas P. Dawson has resided in the Cherokee Nation since 1888. The residence of the minor children herein is considered to be that of their parents, with whom they are living.

Group IV, includes the applications of those claiming through the said Josephine Dawson, now deceased. At the time of her admission she was the wife of one Thomas Pierce, but was admitted to citizenship under maiden name of Dawson. The group embraces cases numbered D 408, D 409, D 431, D 471, D 472 and D 479.

The evidence shows that Robert Pierce, William Pierce, Charles E. Pierce, Oma Gray, formerly Oma Pierce, Effie Pierce (now Effie Akin) and Nancy J. Bogle, formerly Nancy J. Pierce are the children of said Josephine Dawson. They were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Nellie Pierce, a white woman, was married to said Robert Pierce on July 18, 1894. She has lived with her said husband since they were married, and Myrtle and Arthur Pierce are the issue of that marriage. Nellie Pierce is identified on the Cherokee Census roll of 1896, and her two children are identified by birth affidavits on file with this Commission.

Ora Gray are married to John B. Gray on April 7, 1898, and Ossie and Walton Gray are the issue of that marriage. Ora Gray is identified on the Cherokee payment roll of 1896 and her children are identified by birth affidavits on file with this Commission.

John S. Bogle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 8, 1894, to the above named Nancy J. Pierce. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. John S. Bogle and his two older children are identified on the Cherokee Census roll of 1896, and his four younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said William Pierce died in January, 1902.

It further appears that Robert Pierce, Charles E. Pierce, Nancy J. Bogle and Ora Gray have resided in the Cherokee Nation since 1884; that John S. Bogle, husband of Nancy J. Bogle, and Nellie Pierce, wife of Robert Pierce, have resided in said Nation ever since they were married, and the residence of the minor children herein is considered to be that of their parents with whom they are living. It appears that Effie Akin was seventeen years old at the date of the application for her enrollment, and it further appears that she resided in the Cherokee Nation from about 1886 up to December, 1900, when she went to Colorado, was married there to Will Akin, and is now living in that state with her said husband.

Group V, includes the application of the said Joseph Dawson, Wilborn Dawson and James Dawson, and embraces cases numbered D 364, D 478 and D 526.

Joseph R. Dawson is identified as the Joseph Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. He was married to Florence Jackson on May 16, 1886, and they have lived to-

gether since the date of their marriage. The said Florence Jackson is the daughter of Ellis Burnett, but she was of age at the date of her mother's admission to citizenship. The six children included in the application of said Joseph R. Dawson, and hereinbefore named, are the issue of the marriage between the said Joseph R. Dawson and Florence Jackson. The applicant, his said wife and his four elder children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Wilborn Dawson is identified as the person of that name admitted to citizenship in the Cherokee Nation as hereinbefore stated. He is identified on the Cherokee Census roll of 1896.

James R. Dawson is identified as the James Dawson admitted to citizenship in the Cherokee Nation as heretofore stated. His wife, Martha A. Dawson was married to him on February 20, 1890. She has lived with her said husband since the date of their marriage, and the four children included in the application of said James R. Dawson, and hereinbefore named, are the issue of said marriage. The applicant, his said wife and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

The evidence further shows that Joseph R. Dawson has resided in the Cherokee Nation since 1883; that Florence Dawson and Wilborn Dawson have resided in said Nation since 1886, and that James R. Dawson has resided in said Nation since 1883, excepting a temporary absence from 1889 to 1891. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VI, includes the application of Mollie Dawson and those claiming through her and embraces case numbered D 518.

The evidence shows that Mollie Moore, formerly Dawson, is identified as the Mollie Dawson admitted to citizenship in the Cherokee

Nation as hereinbefore stated. Her husband, Charles T. Moore, was married to her under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on January 17, 1897. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of said marriage. Charles T. Moore, his wife Mollie, and his four elder children are identified on the Cherokee Census roll of 1896; the two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that said Charles T. Moore, his wife Mollie and his oldest child have resided in the Cherokee Nation since 1883; the younger children have resided in said nation all their lives.

Group VII, includes the applications of those claiming through the above named Jane Dawson, who, at the time of her admission to citizenship in the Cherokee Nation, as hereinbefore stated, was the wife of one Alexander Blasingame, but she was admitted under her maiden name of Dawson. Jane Dawson is a resident of Arkansas, and is not an applicant for enrollment. This group embraces cases numbered D 832, D 833 and D 834.

The evidence shows that Henry A. Blasingame, Elbert L. Blasingame, and James R. Blasingame are the children of said Jane Dawson. They were minors at the time of their mother's admission to citizenship and they are all identified on the Cherokee Census roll of 1896.

Henry A. Blasingame was married to his wife Birdie J., on December 6, 1896, and Vinnie C. Blasingame is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Ida Blasingame, a white woman, was married to the said Elbert L. Blasingame on September 5, 1894. She has lived with her said husband ever since they were married and the four minor children included in the application of said Elbert L. Blasingame are the

issue of that marriage. The said Ida Blasingame and her two older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Mary A. Blasingame was married to the said James R. Blasingame on August 11, 1888. She has lived with her said husband since they were married and the three minor children included in the application of said James R. Blasingame, and hereinbefore named, are the issue of that marriage. Mary A. Blasingame and her oldest child are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said Henry A. Blasingame, Elbert L. Blasingame and James R. Blasingame removed to the Cherokee Nation in 1897 and have resided therein with their said wives ever since. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VIII, includes the applications of those claiming through the said Elbert Dawson, and embraces cases numbered D 435, D 604, D 608, D 605, D 609, D 617, D 626 and D 627.

The evidence shows that Zona Patterson, formerly Dawson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Richard W. Dawson, Ella L. Spickerman, formerly Dawson, and Francis M. Dawson are the children of the said Elbert Dawson. All of them, excepting the said Francis M. Dawson, were minors at the time of their father's admission to citizenship. Zona Patterson is identified on the Cherokee Census roll of 1896, and William C. Dawson, Robert L. Dawson, Elbert B. Dawson and Richard W. Dawson are identified on the Strip payment roll of 1894. An examination of the Cherokee tribal rolls, in the possession of this Commission, shows that the said Ella L. Spickerman is also identified on the Strip payment roll of 1894.

Martin L. Patterson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 13, 1890, to the said Nora Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. Martin L. Patterson and his three older children are identified on the Cherokee Census roll of 1896, and his three younger children are identified by birth affidavits on file with this Commission.

Alice Dawson, nee Alexander, was married to the said William C. Dawson on November 18, 1886. She has lived with her said husband ever since they were married.

Elbert B. Dawson was married on February 16, 1898, to Cora Bright, a non-citizen, and his child Ralph E. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Sarah J. Dawson, nee Jones, was married to the above named Elbert Dawson about 1854, and lived with him as his wife until his death in February, 1899, and has not re-married since his death. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

Richard W. Dawson was married to Luella Mason, a white woman, on January 24, 1898. His child Ina E. Dawson is the issue of that marriage, and she is identified by a birth affidavit on file with this Commission.

Ella L. Spickerman was married to John J. Spickerman, a white man on September 7, 1897. Her children Hellen J. and William Glenn are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

It further appears from the evidence that Francis M. Dawson, son of Elbert Dawson, at the time of his father's admission to citizen-

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321), Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), Provides for the enrollment of,

> "all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1883; Alice Dawson since 1836, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson, This group embraces cases numbered D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1888, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1866, and has lived with her since that time. Tempe V. and Robert S. Graham are the issue of the aforesaid marriage. John W. Graham, his wife and two children are identified on the Cherokee Census Roll of 1896.

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321). Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of,

> "all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and the born minors whom their parents were so admitted."

The evidence further shows that Zona Patterson, William C. Dawson and Richard M. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson, and Ella L. Spicherman since 1883; Alice Dawson since 1886, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered, D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1888, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1866, and has lived with her since that time. Tampa V. and Robert S. Graham are the issue of the aforesaid marriage. John W. Graham, his wife and two children are identified on the Cherokee Census roll of 1896.

Joe E. Graham was married to Mary Bradshaw, a non-citizen on January 8, 1888. William C. Graham is the issue of that marriage, and he is identified by a birth affidavit on file with this Commission.

John F. Graham was married on February 11, 1900, to Mattie Lawson, a non-citizen, and Edna M. and Robert Lee are the issue of that marriage. Said children are identified by birth affidavits on file with this Commission.

Bessie Graham was married on November 2, 1892, to the said James M. Graham. She has lived with him since the date of their marriage, and the six children included in the application of said James M. Graham, and hereinbefore named, are the issue of the said marriage. The oldest child Marion is identified on the Strip payment roll of 1894, and the five younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John W. Graham, his wife Missouri Graham, Gideon Graham, Mathew A. Painter, and his wife Laverne A. Painter, Florence P. Bradshaw, John F. Graham and Joe Willie Neal have resided in the Cherokee Nation since 1888, and that Joe E. Graham and James M. Graham have resided in the Cherokee Nation since 1884. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group X, includes the application of the said Ella Dawson and those claiming through her. The said Ella Dawson, at the time of her admission to citizenship, was the wife of Green W. Jackson, but she was admitted to citizenship under her maiden name of Dawson. This group embraces cases numbered D 395, D 476, D 508, D 830 and D 847.

The evidence shows that Green W. Jackson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on March 24, 1887 to the said Ella Dawson. He had been previously married to her in Texas prior to her admission to

citizenship. From an affidavit made a part of this record it appears that Green W. Jackson died subsequent to the date of this application, and prior to September 1, 1902.

The evidence further shows that Flora Harmon, formerly Jackson, Tishie A. Jackson, William Jackson and Fannie Lenox, formerly Jackson are the children of said Ella Dawson, now Ella Jackson. Flora Harmon, Tishie A. Jackson and Fannie Lenox were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

James H. Harmon was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 24, 1887, to the said Flora Jackson. He has lived with his wife since the date of their marriage, and the four minor children included in his application, and hereinbefore named, are the issue of the said marriage. James H. Harmon and his three older children are identified on the Cherokee Census Roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

William C. Lenox was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 1, 1888, to the said Fannie Jackson. He has lived with his wife since the date of their marriage, and the two children Birtie E. and Myrtle Lenox, included in his application, are the issue of the said marriage. William C. Lenox and his two children are identified on the Cherokee Census roll of 1896.

Lizzie Jackson claims to have been married in 1888 to the said William Jackson, who is now deceased. It appears that William Jackson at the date of his mother's admission to citizenship, was over twenty-one years old. There is no evidence that the said William Jackson was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission

to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Lizzie Jackson and the five minor children included in her application, and hereinbefore named, are identified on the Cherokee Census roll of 1896, and they take only such rights as may have been possessed by the said William Jackson. The authority of the Commission herein is defined in Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

The evidence further shows that the said Ella Jackson, the said Flora Harmon and the said Toshie A. Jackson have resided in the Cherokee Nation since 1884, and that William C. Lenox, and his wife Fannie Lenox have resided in the Cherokee Nation since 1888. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XI, includes the applications of those claiming through Malvina Dawson and embraces case numbered D 839.

The evidence shows that James Lowe is the son of the said Malvina Dawson, and that at the time of her admission to citizenship the said James Lowe was over 21 years old. There is no evidence that the said James Lowe was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). It further appears that the said James Lowe was married on June 12, 1887, to Mollie Knight, a white woman, and the four minor children included in his application and hereinbefore named, are the issue of that marriage. James Lowe and his said children are identified on the Cherokee Census roll of 1896 and said children take only the rights which may have been acquired by their father.

The authority of the Commission herein is defined in Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

Group XII, includes the applications of those claiming through the said W. A. Dawson and embraces cases numbered D 405, D 406, D 715, R 12 and R 13.

The evidence shows that Millie T. Dawson was married to the said W. A. Dawson in 1892 and lived with him as his wife in the Cherokee Nation until his death in 1899, and that she has not re-married since his death. Texanna Woolley is the daughter of said W. A. Dawson and his former wife Melissa A. Dawson. Texanna Woolley was a minor at the date of her father's admission to citizenship, and she is identified on the Strip payment roll of 1894. She was married on March 27, 1898, to James Woolley, and her children Irene V. and Wilburn E. are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

Henry T. Richardson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 11, 1886, to one Sellar Dawson, who was the daughter of the said W. A. Dawson by his first wife Melissa A. Sellar Dawson was a minor at the date of her father's admission to citizenship. Henry T. Richardson lived in the Cherokee Nation with his said wife Sellar from the date of their marriage until her death in 1892. On September 22, 1898, Henry T. Richardson married one Kitty Flournoy nee Dawson. The said Kitty Flournoy was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Of the children herein applied for, Delia E. Richardson is the child of the applicant by his first wife, Sellar. Finis T. Richardson and Jasper C. Richardson are children by his wife Kitty. Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy are the children of his said wife Kitty by a former husband

The six older children were admitted to citizenship in the Cherokee Nation on December 1, 1894, with their mother as the members of her family. The youngest child Edna Flournoy was born in 1895 and was living at the date of this application. Delia F. Richardson is identified on the Cherokee Census roll of 1896, and Finis T. and Jasper C. Richardson are identified by birth affidavits on file with this Commission.

Etta Brauer is the daughter of said W. A. Dawson, and was a minor at the date of her father's admission. She was married in 1892 to a non-citizen but such marriage was not in accordance with Cherokee Laws. She is identified on the Cherokee Census roll of 1896.

Melissa A. Dawson was married to the said W. A. Dawson in the State of Texas on September 26, 1873. The Supreme Court of the Cherokee Nation in the case of Melissa A. Dawson vs. W. A. Dawson, decided that Melissa A. Dawson, the applicant herein was a citizen of the Cherokee Nation by virtue of intermarriage with her said husband, W. A. Dawson. She is identified on the Cherokee Census roll of 1896, and she has not re-married since her divorce from said W. A. Dawson.

The evidence shows that Texanna Woolley has resided in the Cherokee Nation since 1884; that Etta Brauer and Melissa A. Dawson have resided in the Cherokee Nation, with the exception of temporary absences, since 1884; that Millie T. Dawson has resided in the Cherokee Nation since 1892; that Henry T. Richardson has resided in the Cherokee Nation since 1886, and that Kitty Richardson, his wife, has resided in the Cherokee Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XIVI, includes the following applications: Hiram F. Weddle, et al D 821; William D. Douthitt, D 822; Alonzo M. Pinkback, D 843; Florence Morgan, et al D 737; John E. Pinkback, D 843 and George A. Mabry, et al D 979. The persons enrolled in these appli-

cations are related to the above named Dawsons. They are not claiming the right to enrollment by virtue of such relationship, but rely upon a separate adjudication of their rights.

The evidence shows that Miram F. Weddle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on September 15, 1884, to Lula P. Douthitt, who was admitted to citizenship in the Cherokee Nation by the said "Spears Court" on September 15, 1884. Curtis, Morris O. and Roy Weddle are the issue of the said marriage. Miram F. Weddle and his said wife are identified on the Cherokee Census roll of 1896, and their three children are identified by birth affidavits on file with this Commission.

William D. Douthitt is the brother of said Lula P. Weddle, and was admitted to citizenship in the Cherokee Nation with his said sister on September 15, 1884. He is identified on the Cherokee Census roll of 1896.

Alonzo M. Fishback was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 17, 1882, to Lavinia A. Dawson. He had been previously married to the same wife in Texas in 1877, and has lived with her ever since. It appears that Lavinia Fishback was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. William A. and Annie B. Fishback are the issue of the said marriage. Alonzo M. Fishback and his said wife and children are all identified on the Cherokee Census roll of 1896, and his wife is also identified on the Cherokee pay roll of 1880.

Florence Morgan, the wife of Albert L. Morgan, is the daughter of the Kitty Richardson heretofore mentioned and was admitted to citizenship in the Cherokee Nation on December 1, 1894 with the said Kitty Richardson as a member of her family. Clide and Alice A. Morgan are her children by her said husband. The said children are

identified by birth affidavits on file with this Commission.

John E. Fishback is the son of Lavorna Fishback, who was re-admitted to citizenship on December 1, 1894, as Cherokee Stated. He was a minor at the date of his mother's admission to citizenship and he is identified on the Cherokee Census roll of 1896.

George A. Mabry was married to one Edna Dawson in the State of Arkansas in 1884. He claims to have been married under a Cherokee marriage license to his said wife in 1882, but he presents no satisfactory proof of such marriage. Edna Dawson was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Roby and Charley Mabry are her children by her said husband, George A. Mabry. Edna Mabry is identified on the strip payment roll of 1894, and the two children were minors at the date of their mother's admission to citizenship.

The evidence further shows that Alonzo H. Fishback and his wife Lavorna A. Fishback have resided in the Cherokee Nation since 1883; that Lula P. Waddle, William D. Douthitt, and John E. Fishback have resided in the Cherokee Nation since 1884, and that Florence Morgan and Edna Mabry have resided in said Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

All birth affidavits for the minor children embraced in this decision, and hereinbefore noted, are made a part of this record.

It is contended by the Cherokee Nation that the applicants herein are not entitled to be enrolled by this Commission because they have never been lawfully admitted or enrolled by the Cherokee authorities, and that the judgment of the Cherokee Commission on Citizenship admitting Robert Dawson and his family was obtained by fraud on the part of said Dawson.

In considering the question at issue, it is the opinion of this Commission that it has no power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and were passed upon by that Commission. In United States vs. Throckmorton, 98 U.S. Page 61, it is stated, "the doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment assailed." Only such facts therefore, are considered by this Commission, as were not part of the record in the Robert Dawson case before the Teehee Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Teehee Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment.

Briefly stated, the circumstances attending the admission of the Dawsons appear to be as follows:

On September 24, 1881, an application was made to the Cherokee Commission on Citizenship known as the "Teehee Court" for admission to Cherokee citizenship of Robert Dawson and the members of his family above mentioned. The members of that Commission were Thomas Teehee, Alex Wolfe and T. F. Thompson. The first two were full blood Cherokee Indians; they could understand, but could not talk English. One D. W. C. Duncan was the Clerk of the Commission. The Dawson case was continued several times before final decision. J. M. Bryan appears to have been an attorney in the case, and after some delay he notified Francis M. Runnon that the case would be taken up by the Commission at its session in January, 1883, and also informed him that C. M. Taylor would look after Runnon's interests as he, Bryan,

would be in Washington. On receipt of this notice Francis M. Dawson went to Fort Gibson, Cherokee Nation, and made arrangements with his uncle Samuel K. Benge to go to Tahlequah and conduct the case. Benge who is a witness herein testifies that he was connected with the Dawson case when it was commenced in 1881; that it was continued several times for want of evidence, and that in January, 1883, in company with F. M. Dawson he went to Tahlequah and while there secured the testimony of Toah Rogers, a negro, who knew the Dawson's ancestors, and that after getting his evidence the case was submitted to the Commission. He further testifies that the Commission rendered a decision against the Dawsons and that next morning the Commission reopened the case, but not upon motion of the witness, and rendered a judgment admitting the Dawsons to citizenship. He further states that on his way home to Fort Gibson with Dawson he remarked to the latter, "it was a pretty hard blow when they rendered a decision against us," to which Dawson is alleged to have replied, "yes, but Duncan was the man to reach and he reached him with five hundred dollars."

Dawson denies ever having had such a conversation and says that he did not return to Fort Gibson with Benge but went home to Arkansas by a different route.

C. H. Taylor testifies that he was an attorney in the case and was present when the case was decided. He says there were only two Commissioners present, Teehee and Wolfe. He further testifies that D. W. C. Duncan, the Clerk of the Court asked the witness to let him know when any large citizenship cases came up; that he introduced F. M. Dawson to Duncan on the evening of January 10th, heard part of a conversation between them in which Duncan addressing Dawson said, "there is a hitch in your evidence, if that was straightened out it will be all right." Next morning witness says Dawson told him to call up the case, which he did. That there was no additional

evidence introduced and no argument made, and that the case was then decided in favor of the Dawsons. Witness further testifies that Dawson gave him twenty dollars and said he would send him the balance in a short time, that in the course of ten days he sent him one hundred dollars with directions to pay over half of it to Duncan; that Dawson soon afterwards sent him another hundred dollars with the same instruction to give Duncan half of it.

Dawson denied the matters testified to by Taylor excepting in the matter of paying Taylor money, which he admits in part, but says that the twenty dollars mentioned was sent to Taylor about a year after the decision, and that he instructed Taylor to pay it over to Duncan to pay him for a land claim, and that the other money was in payment of J. M. Bryan's attorney fees which Taylor represented to Dawson he had for collection against him. Taylor's reputation for truth and veracity has been impeached by various disinterested witnesses.

The evidence which may be considered as tending to support the charge of fraud is the testimony of S. H. Denge, C. H. Taylor, Thomas L. Dabeart, J. M. Clinkenbeard, James W. Lewis, C. G. Draught and David Meredith.

S. H. Denge testifies that a judgment adverse to the Dawsons was rendered by the Commission on the evening of one day and without any additional proceedings in the case that judgment was reversed on the morning of the next day.

Even if this were a material fact, there is no other proof that two judgments in the case were ever rendered. The record of the proceedings and judgment in the Commission's docket is all on one page, the entry of the application in 1881 and the first continuance being entered under authority of a former Commission and by a different clerk, and there is no evidence of erasure on that page. It is not an unusual thing for a Court to change its judgment, and this fact, if it is a fact, is not in itself any evidence of fraud.

Cherokee D-737.

Muskogee, Indian Territory, February 25, 1903.

Elbert L. Morgan,

Dawson, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting, among others, your application for the enrollment of your wife, Florence Morgan, and your two minor children, Clide and Alice A. Morgan, as citizens by blood of the Cherokee Nation. There has heretofore been furnished your attorney, A. S. McKennon, Wewoka, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished both your attorney and the principal applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Enc. E-59.
Register.

Acting Chairman.

(COPY)

Refer in reply to the following:
Land 15688-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, October 16,1903

Cherokee Enrollment
Francis M. Dawson et al., Group 13.

The Honorable

The Secretary of the Interior.

Sir:

Referring to office report of even date transmitting the record relative to applicants, parties to Group 1 of the Francis M. Dawson Consolidated Case, there is enclosed herewith the record relative to the applicants involved in Group 13.

D 321, Group 13, page 1.

Lula Pearl Weddle applies for enrollment of herself and her minor children, Curtis and Morris O. Weddle, as citizens by blood and for the enrollment of her husband, Hiram P. Weddle, as a citizen by intermarriage. She also applies for the enrollment of Roy Weddle who was born subsequent to the date of her original application. He is properly identified by a birth affidavit.

D 322, Group 13, page 8.

William D. Douthitt applies for the enrollment of himself as a citizen by blood.

D 343, Group 13, page 9.

Alonzo M. Fishback applies for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife,

Laverna A. Fishback, and their minor children, William A. and Annie B. Fishback, as citizens by blood.

D 787, Group 13, page 19.

Elbert L. Morgan applies for the enrollment of his wife, Florence Morgan, and their minor child, Clide, as citizens by blood. He also applies for the enrollment of Alice A. Morgan, his minor child, born subsequent to the date of his original application. This minor is identified by a birth affidavit.

D 848, Group 13, page 24.

John E. Fishback applies for the enrollment of himself as a citizen by blood.

D 979, Group 13, page 27.

George A. Mabry applies for the enrollment of himself as an intermarried citizen and for the enrollment of his wife, Mina Mabry, and their minor children, Roby and Charlie Mabry, as citizens by blood.

December 23, 1902, the Commission found that all of the applicants above named, except George A. Mabry, were entitled to enrollmenr as citizens of the Cherokee Nation. Hiram F. Weddle and Alonzo M. Fishback as citizens by intermarriage and the others as citizens by blood.

The parties to this group claiming the right to enrollment are related to the Dawsons but they do not claim the right to enrollment by reason of such relationship. The evidence in this case shows that Hiram F. Weddle was married September 13, 1884, under

a Cherokee license, to Lula P. Douthitt (Group 13, page 1). Lula P. Weddle, nee Douthitt, was admitted to citizenship in the Cherokee Nation by the Spears Court, September 13, 1884. The decision of this Court admitting her is as follows:

And now on this the 13th day of September, 1884 comes this case for final hearing and all the evidence in the case having been carefully read and considered by the Commission on Citizenship it has been decided by the Commission that the above named Lula Douthett and Dallas Douthett are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

Eli Spears, pres.
John Lee,
Andrew Young,
Commission on Citizenship.

John L. Adair,
Clk Com'n.

Hiram P. Weddle and his wife are identified by the 1896 roll. Lula P. Weddle has lived in the Cherokee Nation since 1884.

William D. Douthitt (Group 13, page 8) is a brother of Lula P. Weddle and was admitted to citizenship in the Cherokee Nation by the Spears Court September 13, 1884. He is identified by the census roll of 1896 and the record shows he has lived in the Cherokee Nation since he was admitted to citizenship.

Leverna, or Verena, Fishback, nee Dawson (Group 13, page 9) is a daughter of Jasper Dawson, who was admitted to citizenship January 11, 1883. She was first married to Alonzo M. Fishback in 1887, in accordance with the laws of Texas. May 17, 1893, they were re-married in accordance with the laws of the Cherokee Nation. Leverna Fishback does not, however, claim right to enrollment by reason of the admission of her father but by reason of her own admission on December 1, 1894. The act of the national council admit-

ting her and others to citizenship is as follows:

Senate Bill No. 18.

Be it enacted, by the National Council, that M. A. Foland, Edna Mabry, Kittie Flourney, Verena Fishback, M. C. Taylor and Elmer Cox, together with their families, be, and are hereby entitled to all the rights and privileges as are enjoyed by the rest of the members of their families who are citizens of the Cherokee Nation by blood, and all of whom are now residents of cooweescoowee district Passed by the Senate November 27th, 1894.

Rosah Young, President Senate.
J. C. Starr, Clerk of Senate.

Concurred in by Council November 28th 1894.
V. Gray, Speaker of Council Pro tem.
J. W. Dick, Clerk of Coulncil.
Approved December 1st, 1894. C. J. Harris, Principal Chief C. N.

Alonzo M. Fishback, and the persons for whom he applied are identified by the Cherokee census roll of 1896. His wife is also identified by the Cherokee pay roll of 1890. The Fishback family has lived in the Cherokee Nation since 1883.

Elbert L. Morgan (Group 13, page 19) is the husband of Florence Morgan, Nee Flourney, who is the daughter of Kitty Richardson, formerly Flourney, nee Dawson. Mrs. Richardson was admitted to citizenship in the Cherokee Nation by the National Council December 1, 1894, under the name of "Kittie" Flourney. The members of her family were also admitted by this act.

John R. Fishback (Group 13, page 24) is a son of Leverna A. Fishback who was admitted to citizenship in the Cherokee Nation by act of the national council of December 1, 1894. His mother was admitted under the name of "Verena" Fishback.

Edna Mabry (Group 13, page 27) was married to George A. Mabry December 11, 1884, in accordance with the laws of the State of

Arkansas. She and her husband claim to have been married in 1889 under the laws of the Cherokee Nation. The record contains no evidence as to this latter marriage except the testimony of the applicants. Edna Mabry is a daughter of Robert and Nancy Dawson. Robert was admitted to citizenship in the Cherokee Nation January 11, 1883. Edna Mabry, however, does not base her right to enrollment on her father's admission. The record shows that she and the members of her family were admitted to citizenship by act of the national council approved December 1, 1894.

In view of the foregoing the office m is of the opinion that the decision of the Commission with reference to the parties to this group is correct and should be approved except in so far as it relates to the enrollment of Hiram F. Waddle and Alonzo M. Fishback who are applicants for enrollment as citizens by intermarriage and to George A. Mabry who is an applicant for enrollment as an intermarried citizen whose enrollment has been denied by the Commission. The approval of the Commission's decision, except as to the parties mentioned, is recommended, and attention is respectfully invited to office report of even date transmitting Group 1, of this consolidated case.

August 31, 1903, Kimball & White, attorneys of this city, filed a brief and argument relative to the right of George A. Mabry to enrollment as an intermarried citizen. In their letter it is stated that a copy of the brief was forwarded to the attorney for the Cherokee Nation.

September 23, 1903 (I.T.D. 6015), the Department forwarded to this office the reply of the Cherokee Nation to the brief above mentioned. May 23, 1903 (I.T.D. 4831), the Department transmitted to this office a motion for a new hearing with reference to the right of George A. Mabry to enrollment.

August 24, 1903, Kimball & White filed a motion "for review and recommitment" to the Commission of this group in so far as it relates to the right of George A. Mabry to enrollment as an intermarried citizen.

The evidence does not show that George A. Mabry and his wife, Edna Mabry, have been married in accordance with the laws of the Cherokee Nation. Mabry testifies that they were so married but he did not furnish a copy of the marriage license or of the record of the Cherokee Nation pertaining to such marriage. In order that no injustice may be done this applicant, the office believes that the case, so far as he is concerned, should be returned to the Commission in the event the Court of Claims finds that intermarried citizens are entitled to enrollment and to participate in the distribution of the Cherokee estate.

It is not believed, however, that the case should be returned until after the Court of Claims shall have made its findings and rendered an opinion on the question submitted to it by the Department February 24, last.

Attention is respectfully invited to the fact that the act of December 1, 1894, admitted to citizenship in the Cherokee

-2-

ration Klaa Mabry, among others, "together with their families."
George A. Mabry and Klaa Mabry were married prior to the date of
said act and it may be possible that George A. Mabry was admitted
to citizenship in the Cherokee Nation November 1, 1894, by reason
of the fact that his [illegible] as member of her family [illegible]
entered as citizen[illegible] [illegible] [illegible]
as an intermarried citizen [illegible] [illegible]
to discuss this point with [illegible].

Very [illegible],

W. [illegible]
Commissioner.

E.A.W. (3).

D. C. 10618-1904. DEPARTMENT OF THE INTERIOR,

WASHINGTON.

JP
PMR
J.W.M.

LRS

ITD 7442-1903.
7462- "

March 31, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 25, 1903, you transmitted the record in the matter of the application of Francis M. Dawson et al., for enrollment as citizens of the Cherokee Nation. In your decision of December 23, 1902, you disposed of the applications in the Dawson case by groups. In this letter Group XXXI, as disposed of by you, will be considered.

This group includes those applications designated by you as D. 343, D 521, D 737, D 843 and D 979.

Title D 343 refers to the application of Alonzo M. Fishbeck for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Leverna A., and his minor children, William A. and Annie B. Fishbeck, as citizens by blood of the Cherokee Nation. It appears that the said Alonzo M. Fishbeck was married May 17, 1893, in accordance with the laws of the Cherokee Nation to Leverna A. Dawson, to whom he was previously married in the

State of Texas, according to the laws thereof in 1877. She was admitted to citizenship in the Cherokee Nation by the act of the National Council approved December 1, 1894, under the name of Verena Fishback.

All the members of this family are identified upon the 1896 roll. Mervena Fishback is also identified upon the pay roll of 1890. The father and mother have resided in the Cherokee Nation si nce 1883.

Title D 821, refers to the application of Lula Pearl Weddle for the enrollment of herself and her minor children, Curtis, Morris O., and Roy Weddle, as citizens by blood, and for the enrollment of her husband, Hirma F. Weddle, as a citizen by intermarriage of said nation. It appears that Lula Pearl Weddle, formerly Lula Pearl Douthitt, was admitted to citizenship in the Cherokee Nation by decree of the Spears Court dated September 15, 1884. She has resided in the Cherokee Nation since 1884, and is identified upon the 1896 census roll. Her children named above are identified by birth affidavits.

Title D 737 refers to the application of Elbert L. Morgan for the enrollment of his wife, Florence, and his minor children, Clide and Alice A. Morgan, as citizens by blood of said nation. It appears that the said Florence Morgan is the Florence Flourney referred to under title D 715, which was disposed of by you in Group xii. She was admitted to citizenship December 1,1894, with her mother, Kitty Richardson, formerly Flourney as a member of her

family. She has resided in the nation since 1894. Her children, Clide and Alice A. Morgan, are identified by birth affidavits.

Title D. 845 refers to the application of John K. Fishback for the enrollment of himself as a citizen by blood of said nation. This applicant is a son of the Laverna Fishback who was admitted to citizenship on December 1, 1894, and was a minor at that date. He is identified on the census roll of 1896 and has resided in the Nation since 1894.

Title D. 979 refers to the application of George A. Mabry for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Edna, and his minor children, Roby and Charlie Mabry, as citizens by blood of said nation. The principal applicant was married to Edna Dawson in Arkansas, in 1884. Subsequently, it is claimed, they married in the Cherokee Nation, in accordance with the laws thereof, in 1889. The testimony is not clear as to whether or not George A. and Edna Mabry were married in accordance with the Cherokee law. They were married, however, at the date of her admission by the National Council, viz: December 1, 1894, to Cherokee citizenship, her name appearing therein as Edna Mabry. She is identified on the strip payment roll of 1894, and has resided in the nation with her husband since 1884. Their children, Roy and Charlie Mabry, were minors at the date of their mother's admission.

The attorneys for Mabry have filed a motion for a rehearing in his case, supported by a brief. Both motion and brief have been

duly served upon the attorney for the Cherokee Nation. The latter has filed a reply thereto. The purpose of said motion is to secure a rehearing in order to establish that George A. Mabry was married in accordance with the laws of the Cherokee Nation.

In said decision of December 23, 1902, you held that all of the applicants are entitled to enrollment except George A. Mabry.

Reporting in reference to this group on October 16, 1903, the Commissioner of Indian Affairs recommended that your decision be approved, except in so far as Hiram F. Waddle, Alonzo M. Fishback, and George A. Mabry are concerned, who are classified as applicants claiming by intermarriage. The Commissioner is of the opinion that George A. Mabry should have an opportunity to show that his marriage with Edna Dawson was performed in accordance with the Cherokee law. He does not believe, however, that the case should be returned until after the Court of Claims has rendered its opinion submitted to it by the Department on February 24, 1903. He calls attention, however, to the act of December 1, 1894, which reads as follows:

"Senate Bill No. 15.

Be it enacted by the National Council, that M. A. Foland, Edna Mabry, Kittie Flourney, Verena Fishback, M. C. Tayler and Abner Cox, together with their families, be, and are hereby entitled to all the rights and privileges as are enjoyed by the rest of the members of their families who are citizens of the Cherokee Nation by blood, and all of whom are now residents of Cooweescoowee district.
Passed by the Senate November 27th, 1894.

Reach Young, president Senate,
J. C. Starr, Clerk of Senate.

Concurred in by the Council November 28th, 1894.

V. Gray, Speaker of Council, protem.
J. W. Dick, Clerk of Council.
Approved December 1st, 1894.

C. J. Harris, Principal Chief, C. N."

and states that it is possible that George A. Mabry was admitted to

citizenship by the force of said act. In view of the fact that Mabry applied for enrollment as an intermarried citizen, the Commissioner considers it unnecessary to discuss his rights under said act of the National Council.

It should be noted in this connection, that if the act is applicable to Mabry, it also refers to Alonzo M. Fishbeck.

Title D 822 refers to the application of William D. Douthitt for the enrollment of himself as a citizen by blood of said nation. He was admitted to citizenship by the National Council September 13, 1884, and is identified on the census roll of 1896. Since 1884 he has resided in the nation.

The Department concurs in your decision as to those applicants who claim enrollment by blood. Respecting those claiming by intermarriage, action will be deferred until a decision shall be rendered by the Court of Claims concerning the rights of intermarried persons to enrollment in the Cherokee Nation.

A copy of Indian Office letter of October 16, 1903, relating to this group, is inclosed.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee D-737

Muskogee, Indian Territory, April 12, 1904.

Florence Morgan,

Dawson, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated December 28, 1902, granting, among others, the application for the enrollment of yourself and your two minor children, Clide and Alice A. Morgan, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 31, 1904.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting the applications for the enrollment of Francis M., Eula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Francis M. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. F. Atkins, John W., Albert M., Ralph H., Alford, Samuel R., August, Nate and Robert Dawson, Katie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, John, Robert E., Iola M., Lemuel M., Rosa B., Charles B., Hattie J., Jennings B., James U., Vergal C., Thomas P., Mariee J., Orle M., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Harmon, Toshie A. Jackson, Fannie, Birtie E. and Myrtle Lenox, Missouri, Tempe V., Robert S., Gideon, John W., Julius E., Francis W., Mary E., Jesse E., Gracie M. and Florence M. Graham, Laverna A., Ada R., Eva P., John W., Ray D., Roberta A., and

Roy V. Painter, Florence P., Myrtle and Claude Bradshaw, Joe E., William C., John F., Edna M. and Robert Lee Graham, Joe Willie Neal, James L., Marion, Maggie, Luther and Floyd Graham, Hollie, Nora, Walter, Clara, Ora, James W., and Edna Edith Moore, Richard W. and Ina E. Dawson, Ella L., Hellen J. and William Glenn Spickerman, Elbert B., Ralph E., Robert L., and William C. Dawson, Zona, Sarah A., Martha A., Claud A., Edgar D., Thomas H. and Virgil V. Patterson, Joseph R., Clarence E., Council J., Elmer A., Cleo, Rufus T., Edgar, Wilborn, James R., Vinnie D., Ermine C., Edwin C. and Ancil F. Dawson, Etta Brauer, Kitty, Delia F., Finis T. and Jasper Cecil Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy, Texanna, Irene W. and Wilburn E. Woolley, Laverna A., William A. and Annie E. Fishback, Lula P., Curtis, Morris C. and Roy Weddle, Florence, Clide and Alice A. Morgan, John E. Fishback, Edna, Roby and Charley Mabry and William D. Douthitt, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Liddie and Margaret Graham as citizens by blood of the Cherokee nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 31, 1904, and that the Commission's decision rejecting the applications for the enrollment of James, May, Zelma, Roberta, and Rosa Lowe, Osie, Lizzie, Jessie, Ray, and Clyde Jackson as citizens

ay blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

(SIGNED). T. B. Needles.

Commissioner in Charge.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 7, 1902.

Mrs. Florence Morgan,

Dawson, I.T.

Madam:

You are hereby notified that the application of yourself and one minor child

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

17th day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Acting Chairman.

Cherokee D-737
Register.

COPY.

Cherokee D-324--

Muskogee, Indian Territory, February 10, 1903.

A. S. McKennon,

Attorney for Francis M. Dawson, et al,

Wewoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J.F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles E. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E. Bogle, Edna E. Bogle, John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E.

Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie B. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert L. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hollen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Laverda A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Mittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura

You have heretofore been furnished with a copy of the record of proceedings had in this case.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished both yourself and the principal applicant, by the attorney for the Nation.

The decision, together with the record of proceedings had in this case will be transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

You are requested to forward to the Commission two copies of your printed brief in this case, in order that the same may be included in the record to be forwarded to the Secretary of the Interior

Respectfully,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. M-45.

Register.

Fluornoy, Oscar Fluornoy, Claude Fluornoy, Edna Fluornoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Davorna A. Fishback, William A. Fishback, Annie E. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William G. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

D-737

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Francis M. Dawson et al., applicants for enrollment as citizens of the Cherokee Nation, including the Commission's decision, dated December 23, 1903, granting said application as to Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E.Bogle, Edna B. Bogle, John H. Bogle, Marvin R.Bogle,

Claud Bogle, Nancy Edith Bogle, Joseph P. Dawson, Clarence R. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Dora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna B. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Laverna A. Painter, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley,

Pittie Richardson, Edgar Flourney, Walter Flourney, Alice Flourney, Laura Flourney, Oscar Flourney, Claude Flourney, Edna Flourney, Minis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Drauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William B. Beuttitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Tulewsky, Bannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Fogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Dessie Graham, James M. Parson, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonso M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson , Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson, and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

-2-

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

Enc. M-138.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee D-334.

Muskogee, Indian Territory, February 28, 1906.

A. S. McNemar,

Attorney for Francis M. Duncan, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision in the matter of the application of Francis M. Duncan, et al., for enrollment as citizens of the Cherokee Nation, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

Thomas B. Eubeard testifies that one James Dawson, a man of forty or fifty years of age, in company with Butler, the Commission's interpreter and Jim Smith, solicitor for the Nation, came to the witness in Tahlequah the evening of January 10, 1893, to borrow some money; that Dawson was vouched for by Butler as a responsible party and that Dawson told the witness that he had to have money that night, that his case was to be submitted the next day if he could get some money, that Smith had agreed to submit the case without evidence, and that witness thereupon let Dawson have ten dollars.

Admitting all this to be true and that the influence of these officials was purchased for the sum of ten dollars, the Commission fails to see how these alleged facts show that the Court was imposed upon or misled. Bribery of officials to use their influence with the Commission would not necessarily vitiate the judgment, but it must appear that the fraud, or corruption reached the members of the Commission and tainted the judgment itself. The case was not submitted without evidence as appears from the record, and it is shown that such evidence was carefully considered by that Commission. Furthermore, the evidence shows that there was no such person then in Tahlequah as the James Dawson described by witness.

Clinkenbeard testifies that he had a talk with Elbert Dawson about 1881; that Dawson told him he had only one witness, Dr. Baker of Arkansas, "an old man 88 or 90 years old who did not know straight up" and that he could give Dr. Baker four drinks of Arkansas whiskey and he would swear black was white. Witness further testifies that Dawson told him that money was what made the mare go in Texas, and that he had found out that it goes here too.

Assuming that this Commission can go into the question of perjury in connection with evidence in that case, the testimony of Clinkenbeard establishes, if anything, only the facts stated, and does not prove that Dr. Baker committed perjury in giving his testi-

many before the Commission. Further, it is not clear that Dr. Baker was the only witness in the case. Bragg stated that Jack Rogers was a witness, Dawson is under that impression also, and T. P. Thompson, one of the Commissioners, states that he thinks there were three witnesses. The testimony of Dr. Baker, seems, however, to be the only testimony preserved of record. As to whether Doctor Baker offered perjured testimony by Dawson's procurement, it is proper to state that the evidence of W. H. Curtis and A. S. McKennon, witnesses for applicants, show that Doctor Baker was a man of integrity and was not addicted to drinking.

The testimony of James W. Lewis is to the effect that he had a conversation with F. M. Dawson about 1883, in which Dawson had told the witness that it had cost him seven hundred dollars to get his rights. Draught also testifies that he was an applicant for citizenship about 1881 or 1882, and that while his case was pending he had a talk with F. M. Dawson who told him that if he (the witness) ever got in, it would cost him seven hundred dollars, and that Dawson told him he had paid one witness three hundred dollars, and made arrangements with the Court to get the Dawsons in at one hundred dollars a family. David Meredith testifies that he had a talk with old James Dawson in 1888, and that the latter told the witness it cost him twelve hundred dollars to get his case through.

It can hardly be urged that such evidence is sufficient to show that the members of the Texas Commission were corrupted by the fraudulent use of money. So far as these witnesses have been able to testify the money spent by the Dawsons might have been for proper and legitimate purposes. F. M. Dawson gives a detailed statement of what the case cost him and his brother in a legitimate way. The presumption can not be indulged that such moneys were used for fraudulent purposes and the proof to the contrary must be very clear

before this Commission will deny applicants the right to be enrolled upon that ground.

Admitting the truth of all the testimony in this case as to the actual transfer of money by the Dawsons, it appears that Bowers, Butler and Smith were the only beneficiaries of that money. There is no evidence that the members of the Commission received or were offered any of it.

The judgment entered in the Commission's docket shows the signature of the three members of the Commission appended thereto. There is some conflict as to whether Duncan signed Thompson's name, or whether Thompson affixed his own signature. Duncan testified that all three signatures were made by him as Clerk under authority of the Commissioners present, the two full bloods being unable to sign their names. T. F. Thompson testifies that he signed the original transcript of the judgment, which was made on the day of its rendition. The question, however, is not considered to be very material. The signing of judgments by each Commissioner appears to have been a matter of custom only. T. F. Thompson testifies that he remembers the Dawson case and recognizes the judgment therein as the final judgment of the Commission, and that there was no fraud or corruption in the procurement of that judgment by the Dawsons or by any one else so far as he knew.

Much evidence has been introduced by the Cherokee Nation for the purpose of showing that the ancestor, through whom the Dawsons claim, was not a Cherokee, and that other members of the Dawson family, claiming from the same source, have been denied Cherokee citizenship by subsequent Cherokee tribunals, and also by this Commission and by the United States Court. Such evidence, in the opinion of this Commission, is not competent for any purpose in this proceeding. The only question before this Commission is whether there was

fraud in the procurement of the Robert Dawson judgment, and not whether the applicants are Cherokee Indians, or whether they ought to have been admitted to citizenship upon the proof submitted. Those were questions presented, considered and passed upon by the Dawes Commission. If their decision is a valid and regular judgment, it is binding on this Commission. If, on the contrary, the applicants have never been lawfully admitted to citizenship, because the judgment under which they claim is void, for fraud, then the question as to whether they are Cherokees by blood is not material, as this Commission has now no authority to admit them to citizenship.

While it is true, that since 1883, a number of applicants, members of the Dawson family, have been denied admission to citizenship in the Cherokee Nation, no argument derived therefrom is of any force, for it is also true that other members of the same family have been admitted to citizenship, and the action of the Cherokee authorities in admitting them has never been questioned by the Cherokee Nation. Whatever inference, therefore, may be drawn from these facts applies with equal force both for and against the validity of the judgment in question.

The Dawsons have lived in the Cherokee Nation, most of them since 1883; they have exercised the rights of Cherokee citizenship for many years, some of them occupying official positions in the Nation, and no protest seems to have been made against their citizenship until within the last few years. The records of the Cherokee Nation, in the possession of this Commission, show, that since 1883, there have been Commissions on citizenship charged with authority to investigate the judgments of former tribunals alleged to have been secured by fraud, and the Cherokee Legislature had power to order an investigation, and to create a tribunal with authority to set aside a judgment so obtained. No such action appears to have been taken

by the Cherokee authorities with reference to the judgment of the Tenkee Commission in the Robert Dawson case.

After a careful consideration of all the facts in this case this Commission is of the opinion that the evidence fails to establish that the Dawsons secured their admission to citizenship by fraud or that the judgment of the Tenkee Commission as rendered January 11, 1883, was fraudulent as the result of corruption, bribery, or deception upon the part of the Dawsons, or their agents, and that such judgment, and also the judgment of the Spears Commission in 1884, and the Act of the Cherokee National Council of December 1, 1894, which have not been attacked by the Cherokee Nation, being regular on their face, must therefore be accepted by this Commission as the valid judgments of the duly constituted Cherokee authorities.

It is, therefore, the opinion of this Commission that,

(Group I.) Francis M. Dawson, son of Robert Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson, Jr., son of Francis M. Dawson and grandson of Robert Dawson,

(Group II.) Samuel R. Dawson, August Dawson, Nate Dawson, Robert Dawson, Albert P. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman,

(Group III) John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles E. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Marlee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson,

(Group IV) Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Ona Gray, Cecil Gray, Velton Gray, Effie Akin (formerly

Myrtle Pierce), Nancy J. Bogle, James E. Bogle, Edna M. Bogle, John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle,

(Group V) Joseph R. Dawson, Clarence M. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James M. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson,

(Group VI) Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore,

(Group VII) Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame,

(Group VIII) Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman,

(Group IX) Missouri Graham, Tampa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Lawrence A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Ray V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham,

(Group X) Mike Jackson, Flora Barnes, Lillie B. Barnes, Edgar Barnes

Twight Harmon, William D. Harmon, Tookie A. Jackson, Pamplie Lenox, Birtie E. Lenox, Myrtle Lenox,

(Group XII) Texanna Woolley, Irene V. Woolley, Wilburn E. Woolley, Witty Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Climus Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia Richardson, Beta Brauer,

(Group XIII) Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry, and Charley Mabry,

should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and that

(Group I) Katie Dawson, Andrew C. Atkins,

(Group II) Catherine Dawson, Sarah F. Dawson, August Dulansky, Nannie Dawson,

(Group III) Sarah J. Dawson, nee Wood,

(Group IV) Mallie Pierce, John S. Bogle,

(Group V) Florence Dawson, Martha A. Dawson,

(Group VI) Charles T. Moore,

(Group VII) Ida Blasingame, Mary A. Blasingame,

(Group VIII) Martin L. Patterson, Alice Dawson, Sarah J. Dawson, nee Jones,

(Group IX) John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham,

(Group X) James H. Harmon, William C. Lenox,

(Group XII) Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson

(Group XIII) Hiram W. Weddle and Alonzo M. Fishback, should be

enrolled as citizens by intermarriage of the Cherokee Nation in accordance with the provisions of said Section twenty-one of the Act of Congress, and it is so ordered.

It is further the opinion of this Commission that, for the reasons heretofore stated, the applications for the enrollment of Arizona Allred and William C. Allred, (embraced in D 835); Francis M. Dawson, son of Elbert Dawson, (embraced in D 627); Osie Jackson, Lizzie Jackson, Jessie Jackson, May Jackson, and Clyde Jackson, the children of William and Lizzie Jackson, (embraced in D 830); James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe, (embraced in D 839), as citizens by blood of the Cherokee Nation, and that the applications of Lizzie Jackson, widow of William Jackson, (embraced in D 830), and George A. Mabry (embraced in D 979), as citizens by intermarriage of the Cherokee Nation should be denied, in accordance with the provisions of the law heretofore quoted, and it is so ordered.

As hereinbefore stated William Pierce (D 409) and Cecil Dawson (D 356) and Green W. Jackson (D 395), died prior to September 1, 1902. It further appears from affidavits, made a part of this record that Liddie and Margaret Graham (D 1128) have died since the date of the application for their enrollment and prior to September 1, 1902.

It is, therefore, ordered that the applications for the enrollment of said William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham be, and the same are hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(Signed) TAMS BIXBY,
Acting Chairman.

(Signed) T. B. MERRILL,
Commissioner.

Dated at Muskogee, Ind. Ter.,
this Dec. 23, 1902.

(Signed) C. R. BREATHITT,
Commissioner.

Cher 10768

John E. Fishback

Trans. from D 845

Cher 10768

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., November 20, 1900.

In the matter of the application of John W. Fishback for the enrollment of himself as a Cherokee citizen, being sworn and examined by Commissioner Breckinridge and examined by the Commission, he testified as follows:

Q What is your name? A John W. Fishback.
Q How old are you? A 22 years old.
Q What is your post-office address? A Adair.
Q Are you a Cherokee by blood? A Yes, sir.
Q What degree of Cherokee blood do you claim? A One-sixteenth
Q For whom do you make application? A For myself.
Q How long have you actually resided in the Cherokee Nation?
A About 18 years I believe.
Q Have you been out of the Cherokee Nation at any time within the past three years? A No sir.
Q What is the name of your father? A A.M. Fishback.
Q Your father living? A Yes sir.
Q Is he a Cherokee or a white man. A White man.
Q What is the name of your mother? A Laverne A. Fishback.
Q Is your mother living or dead? A Living.
Q Is she a Cherokee? A Yes sir.
Q Were you or your parents ever admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council or Commission on citizenship? A I don't know whether I understand you or not.
Q What was your mother's name before she married your father?
A Dawson.
Q Has your mother been enrolled by the Commission? A Yes sir.
Q As Laverna Fishback? A Yes sir.
Q Was your mother a sister of Missouri Dawson, Malinda or Melvina Dawson. A No sir.
Q She a sister of Kirk Dawson. A No I don't think she is; they are kin, I don't know what.

Commission: The applicant presents certificate signed by W.H. Hayes, Assistant Executive Secretary of the Cherokee Nation certifying that by an act of the Cherokee National Council approved December 1st 1894 Verona Fishback and family were re-admitted to all the rights and privileges of citizenship in the Cherokee Nation.

Q Is the Verona Dawson mentioned in this document your daughter?
A Yes sir.
Q When did you actually remove to and in good faith settle in the Cherokee nation? A I don't know whether I can answer that exactly.
Q About how long ago was it? A It has been about 15 years ago.
Q You were then a resident of the of the Cherokee Nation before you were admitted to citizenship were you? A Yes sir.
Q Have you lived here continuously since 1894? A Yes sir.
Q Have you ever been outside of the Cherokee Nation since that time? A ~~Except that~~ Well I have been out about one month I guess, on a visit.
Q You never removed from the Cherokee Nation? A No sir.

1896 roll page 186 #1248 John T. Fishback Cooweescoowee a native Cherokee 18 years old;

Examined by Caleb Starr, Cherokee Representative

Comes now the representatives of the Cherokee Nation and protest against the enrollment of the applicant for the reason that the applicant's mother, Verona Fishback, nee Dawson, obtained her admission also by fraud.

Commission: John W. Fishback applies for the enrollment of himself as a citizen by blood of the Cherokee Nation; he presents a certificate more fully described in the testimony, certifying that

John M. Pickbach et

his mother was admitted to citizenship in the Cherokee Nation by that with members apparently, on the 1st day of December 1902; he avers that he has lived in the Cherokee Nation for 12 or 13 years; he is identified upon the census roll of 1896 as a native Cherokee; the representatives of the Cherokee Nation protest made at the enrollment of the applicant, for the reason that his mother was admitted to citizenship in the Cherokee nation through fraud. He will therefore be placed upon what is known as a doubtful card, and final judgment on his enrollment will be suspended; when the Commission renders its [redacted] final judgment in his case he will be notified in writing at his present post-office address.

M.D. Green being first duly sworn, states that as stenographer to the Commission to the five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this 21 day of November 1906.

Commissioner.

COOWEESCOOWEE

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

(22)

Date NOV 20 1900 1900.

Name John E. Fishback Admr D.T.

District COOWEESCOOWEE. Year 1896 Page 156 No. 1663

Citizen by blood yes 1/16 Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Ida M. Fish

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

(1.18.04)

COMMISSIONER
HENRY L. DAWES
JAMES BROWN
THOMAS B. TEHEE
C. R. BRECKINRIDGE
SECRETARY OF THE COMMISSION

DEPARTMENT OF THE INTERIOR,

[illegible] 31 May

Received of the [illegible] to the five civilized tribes
one copy of the tenth [illegible] in the matter of the application of
[illegible] for enrollment as
[redacted] of the Choctaw Nation.

Vickers

[illegible]

No. [illegible]

Cherokee D 648.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of John F. Fishback for enrollment as a Cherokee citizen.

Appearances:
Mr. Mellette, of Vinita, I.T.; attorney for applicants;
W.W.Hastings, attorney for the Cherokee Nation.

BY MR. MELLETTE: The applicant in this case being the son of Alonzo Fishback and Verona Fishback, Cherokee doubtful 343, he asks by his attorneys that the testimony in said case Doc No.343, be made part of the testimony in this case, and a copy filed.

BY COMMISSIONER KEEDLES: Same will be complied with.

I, W.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

W D Green

a doubtful one.

The Representative of the Chronicle Petron protests against the

[illegible]

[illegible] Leverne Ave. and the city [illegible]

enrollment of the [illegible]

to per after the date of her admission. [illegible] and as

also be placed upon a docket [illegible] that

their enrollment be suspended, which may be done.

[illegible]

1. O. Box 000, Petrel Dist. July 3, 1907.

1. O. Rowan, Petrel Dist.

Dear Sir: [illegible] the contents [illegible]

to the Commission and process in the case and that the stenographic notes

is a true and complete transcript of the stenographic notes taken

[illegible]

1. O. Box 000,

[illegible]

Subscribed and sworn to before me this 3rd day of [illegible]

[illegible]

Notary Public.

My commission expires [illegible]

1. Notary to the Commissioner, being duly sworn, states that he is

To be filed with D-845.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T. September ,9, 1900.

In the matter of the application of Alonso M. Fishback for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Fishback being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Alonso M. Fishback.
Q How old are you Mr. Fishback? A 45.
Q What is your postoffice address? A Adair.
Q What district do you live in? A Coowescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q Your father and mother are non-citizens? A Yes sir.
Q What is the name of your wife? A Her maiden name is Leverna Dawson.
Q When did you marry her? A In 1887.
Q Have you any certificate of marriage? A Yes sir.
Com'r Needles:— Applicant presents a marriage license, regularly issued by the authorities of the Cherokee Nation, and marriage certificate, certifying that he was married to one L. A. Fishback nee Dawson on the 17th day of May, 1895. This will be duly filed.

Q You were married the second time to your wife? A Yes sir.
Q Where were you married the first time? A State of Texas.
Q Is she a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q What degree of blood does she claim? A One-sixteenth.
Q Her name upon the roll of 1880? A No, sir, 1896.
Q By what right does she claim citizenship, if her name does not appear upon the roll of 1880? A
Q Was she ever re-admitted? A Yes sir, by act of the Council.
Com'r Needles:——Applicant presents a certificate dated Tahlequah, Indian Territory, November 19, 1895, signed by W. H. Mayes, Asst. Executive Secretary, under the great seal of the Cherokee Nation, certifying that by an act of the Nation Council approved December 1st 1894, Lorena Fishback and family were re-admitted to all the rights and privileges of the Cherokee Nation.
1896 enrollment; page 304, #348, Alonso M. Fishback, Coowescoowee.
1896 enrollment; page 156, #1667, Leverna A. Fishback, Coowescoowee.
Q Have you any children? A Yes sir.
Q What is the name of the oldest one at home, under 21 years of age? A William A.
Q How old is he? A Four years old.
Q What is the next one? A Annie B.
Q She is 19 is she? A Yes sir.
Q Are these children alive and living with you at this time? A Yes sir.
Q Are they the children of Leverna Dawson? A Yes sir.
Q Annie B. was born before your wife was admitted to citizenship, was she? A Yes sir.
1896 enrollment: page 158, #1702, William A. Fishback, Coowescoowee.
1896 enrollment: page 156, #1669, Annie B. Fishback, Coowescoowee.

Alonzo M. Fishback----E.

Com'r Needles:--- The name of Alonzo M. Fishback appears upon the census roll of 1896 and he presents a certificate more fully described in the testimony, certifying that his wife, Leverna Fishback was re-admitted to citizenship on the first of December, 1894. He also presents marriage license, certifying that he married to his wife Leverna Fishback nee Bowson on the 17th day of May, 1895. The Name of his wife is also found upon the roll of 1896, and the names of his two children, William A. and Annie B., are found upon the census roll of 1896. The said Alonzo M. Fishback having been married in accordance with his certificate before the date of admission of his wife, and his child Annie B. having been born before the date of admission of his wife, final judgment as to the enrollment of the said Alonzo M. Fishback and his daughter Annie B. , will be suspended, and their names will be placed upon a doubtful card.

The Representative of the Cherokee Nation protests against the enrollment of his wife, Leverna A., and his child William A.,born to her after the date of her admission, and ask that their names also be placed upon a doubtful card, and that final judgment as to their enrollment be suspended, which will be done.

----000000000000----

J. O. Rosson, being first duly sworn, states that as stenographe to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson,

Subscribed and sworn to before me this 21st day of September,1900.

T. B. Needles.
Commissioner.

I, Margaret Crutsinger, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy and that same is a true and complete copy of the original transcript.

Margaret Crutsinger

Subscribed and sworn to before me this 1 day of Nov. 1902.

Notary Public.

To be filed with D-545.

Cherokee-D-545.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 18, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of Alonzo M. Fishback for enrollment as a Cherokee citizen.

Appearances:
Mr. Mellette of Vinita, I. T., attorney for the applt;
Mr. W. W. Hastings, attorney for the Cherokee Nation.

BY MR. MELLETTE: I want to file a certified copy of act of Council admitting to citizenship Verena Fishback, and others, as citizens.

BY COMMISSIONER NEEDLES: This will be filed.

ALONZO M. FISHBACK, being first duly sworn, and being examined testified as follows:

BY COMMISSIONER NEEDLES:
Q What is your name? A Alonzo M. Fishback.
Q What is your age? A 46.
Q What is your post-office? A Adair, Indian Territory.

BY MR. MELLETTE:
Q Are you the husband of Verena Fishback, or what is her right name? A Louverna A. is her right name, but Verna-
Q Is she the Verena Fishback that was admitted by that act of Council there? A Yes sir.
Q You were married to her at the time she was admitted? A Yes, sir, I was married to her before that time.
Q I see here with the papers a certificate showing that you were married to L. A. Fishback, nee Dawson, on the 17th day of May, 1893; according to a certificate issued to you by H. H. Trot, Clerk of Cooweescoowee District, is that correct? A Yes sir.
Q Was your wife a citizen of the Cherokee Nation at the time you married her? A Yes sir.
Q Was he name on the rolls of 1886 and 1890, the pay roll, or do you know? A Yes sir.
Q What district? A Delaware and Cooweescoowee both; Delaware in 1886 and in 1890, I think you will find it in Cooweescoowee; I am not certain, but I think you will find it in 1890 in Cooweescoowee.

1886 Pay roll of the Cherokee Nation, Delaware District, No.850 KLuverna Fishback, no age given, she is the first, immediately following is John E., and Annie B.

Q Are John E., and Annie B. your children? A Yes sir,
Q You had been married before you married under Cherokee law in 1893 had you, to her? A Yes sir, how is that?
Q You had been married to your wife before you married her under the Cherokee law in 1893? A Yes sir.
Q When did you first marry her? A In 1877, I think it was.
Q Where did you live at that time? A Texas.
Q When did you move to this country? A In the fall of 1883, November 5th 1883; when I reached here.
Q Your children there, John E., made a separate application for enrollment before this Commission, an application of his own for enrollment? A Yes sir.
Q He is over 21 is he? A He is not.

To be filed with B-645.

Q About how old was he when he moved into the Cherokee Nation?
A Somewhere between nine and ten; of course I would have to take the record you understand to be positive; I wouldn't be positive.
Q You remember what year it was he came into the Nation? A Yes, November 5th, 1883.
Q Where has he lived, in what country has he lived since he came into the Cherokee Nation in 1883? A Cherokee Nation.
Q Has not lived any other place? A No sir.
Q How old is he now? A He is 25 I think, 22 or '3.
Q Now you applied for the enrollment of your daughter Annie B.?
A Yes sir.
Q Was she born in this a country or in Texas? A Texas.
Q Was she a minor when she came to this country? A Yes sir.
Q Where has she lived since she came to this country, in 1883?
A Right here in the Cherokee Nation.
Q Live here now? A Yes sir.
Q I notice in the certificate of admission by the Cherokee Council that Verena Fishback and her family is admitted to Cherokee citizenship; of whom f did her family consist on the first day of December 1894? A John E., and Annie B., that was her children; of course I am her husband.
Q You were of her family were you not? A Yes sir.
Q You and your wife lived in the Cherokee Nation continuously since you came here in 1883, with your children? A Yes sir.
Q Still reside here in the Cherokee Nation? A Yes sir.

BY MR HASTINGS:
Q What is your wife's father's name? A Jasper Dawson.
Q When was he admitted to citizenship? A Well, I am not positive. about that, I think in 1881 probably.
Q Wasn't it in 1883, he is a brother of Robert and Elbert, he applied in 1881 but was admitted in 1883? A Well, probably so, I have not got the exact dates of that.
Q Thid Jasper Dawson was your wife's father? A Yes sir.
Q And you proved before the Council that your wife was a daughter of that Jasper Dawson? A Yes sir.
Q And that is the way your wife was admitted? A Yes sir.
Q When was your oldest boy born? I believe you have but one?
A That is all.
Q When was he born; I would like to know the exact date of his birth, if you have it? A All right I think I have got it. (Looks at papers). September 3, 1878, John E. Fishback, born September 3, 1878.
Q When was your girl born? the oldest one? A February 27th 1881.
Q You were married to your wife under Cherokee law according to this statement on May 17th, 1893? A I think so, sir, yes.
Q Your wife was admitted to citizenship the first day of December 1894, according to your statement, and the record which you present? A Yes sir.
Q And you were married to her some six or eight months the second time before she was admitted to citizenship? A I think you will find it is re-admitted, sir.

1880 pay roll of Cherokee Nation, page 343, No------Levernia Fishback, Delaware District. (Two people following) John and Anna Fishback,- no ages given.
BY MR MELLETTE, (reading)
Senate Bill No. 15.
' Be it enacted, by the National Council, that M. A. Feland, Nona Mabry, Kittie Flearney, Verena Fishback, M. C. Taylor and Elmer Cox, together with their families, by and are hereby entitled to all the rights and privileges as are enjoyed by the

rest of the members of their families who are citizens of the Cherokee Nation by blood, and all of who are now residents of Coowescoowee district.
Passed the Senate November 27th 1894.
Roach, Young, President, Senate.
J. G. Starr, Clerk of Senate.
Concurred in by the Council November 28th 1894.
W. Grey.
Speaker of Council pro tem.
J. H. Dick, Clerk of Council.

Approved December 1st 1894.
C. J. Harris,
Principal Chief, C. N.

Executive Office,
Cherokee Nation,
Tahlequah, Indian Territory,
I, B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the record, laws and acts of the Cherokee Nation, made and filed in this office, and is in my legal custody.
Given under my hand and seal of the Cherokee Nation this the 7th day of February 1902.
B. W. Alberty.
(Seal) Assistant Executive Secretary, Cherokee Nation".

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M. D. Green.

I, Margaret Crutsinger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that same is a true and complete copy of the original transcript.

Margaret Crutsinger

Subscribed and sworn to before me this 11 day of [illegible] 1902.

[illegible]
Notary Public.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. June 13th 1902.

In the matter of the application of John E Fishback for enrollment as a citizen of the Cherokee Nation.

Cherokee D 845.

Brief of the Cherokee Nation.

The applicant John E. Fishback is a son of Alonzo M. Fishback who has been listed for enrollment on Cherokee Doubtful Card Number 343 and as the enrollment of the applicant depends upon the enrollment of the wife of Alonzo M. Fishback attention of the Commission is respectfully invited to the brief filed in that case.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

J. C. S.

[redacted] as he lived with D. W. Mc, Martin L. Patterson of the

[redacted]

[redacted]

[redacted]

In the Matter of the Application of Francis Marion Dawson, wife and children for [redacted] Nation, and being sworn by [redacted], testified as follows:

Q [redacted] A [redacted] Dawson.
Q [redacted] A [redacted] years, sir.
Q [redacted]
Q [redacted]
Q [redacted] A Myself and family.
Q Your wife? A [redacted]
Q How many children? A [redacted]
Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A No, sir; she is a white woman.
Q How long have you lived in the Cherokee Nation? A Since 1883.
Q Were you admitted by the Cherokee Commission? A Yes, sir.

The applicant presents a duly authenticated certificate of admission to citizenship, dated the 11th day of January, 1883, certain [redacted] Commission on citizenship, and among those [redacted] Dawson.

Q That is your [redacted] sir.

This is recognized as the [redacted] evidence of the facts stated.

Q Have you lived in the Nation [redacted] ever since your admission?
A Yes, sir: in the Illinois District ever since.
Q Give me the [redacted] A Katie Dawson.
Q How old is [redacted] A [redacted]
Q Who was admitted with you? A Wife, sir.
Q Have you [redacted] to Cherokee law since your admission? A [redacted]
Q You have not [redacted] since your admission? A No, sir; it was not necessary.

The applicant presents a duly authenticated marriage license and certificate [redacted] was married to his wife, as stated by him, in 1886 [redacted] D. W. Chadwick, in Carroll County, Arkansas, the license being issued by the Clerk of that County.

These papers are [redacted].

Q Your wife was not admitted by the Cherokee Commission, when you were? A No, sir.
Q Or at any other time? A No, sir.
Q By act of the Commission or Council? A No, sir: she was placed on the rolls.
Q On the census rolls? A Yes, sir.
Q Give me the names of your children, please? A Lula.
Q How old? A [redacted]
Q Next child? A [redacted]
Q How old? A [redacted]
Q Next child? A [redacted]
Q How old? A [redacted]
Q Next child? A [redacted]
Q How old? A [redacted]

Q Next child? A Lenora.
Q How old is that child? A She is four years old.
Q Is that all? A Yes, sir. [illegible] of them. I have others, but they are not at home.
Q Are they married? A No, sir.
Q Are they over age? A Yes, sir.

(1880 Roll, Page 461, [illegible], Francis Marion Dawson, Delaware.
1896 Roll, Page 369, [illegible], Katie Dawson, Delaware District.
1896 Roll, Page 461, [illegible], Lula Dawson, " "
1896 Roll, Page 461, [illegible], Ray Dawson, " "
1896 Roll, Page 461, [illegible], James Tobe Dawson, Delaware Dis't.
1896 Roll, Page 461, [illegible], Jacob Levy Dawson, " "
1896 Roll, Page 461, [illegible], Ruth A. Benjamin Dawson, " "
1896 Roll, Page 461, [illegible], Laura Albertis Dawson, " "

Q Is this Lula or Luly? A Luly.
The applicant applies for the enrollment of himself, wife and six children.
Q Were these children all born since you were admitted into the Cherokee Nation? A Yes, sir.

The applicant is shown by the certificate of admission, cited in the testimony, to have been admitted to Cherokee citizenship, by the Commission on Citizenship, January 11th, 1883; he is identified on the roll of 1896, but the representative of the Cherokee Nation desires to make inquiry into the methods of that time, and for that reason, the application of the applicant will at present be placed on a "Doubtful Card." He has lived in the Cherokee Nation ever since his admission to citizenship. His wife was married to him under United States law, and was married prior to his admission: she has never been remarried according to Cherokee law: She has lived with him ever since his admission to citizenship, and she is identified on the roll of 1896. The application for her enrollment will be placed on a "Doubtful Card".
Their six children, as enumerated in the testimony are identified on the roll of 1896: They are living at this time, all having been born since his admission (Applicant's). These children will be placed with him on a "Doubtful Card". The applicant's marriage to the mother of these children is established by the marriage license and certificate filed herewith. If any additional papers, evidence are developed in this case, he will be given timely notice thereof.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Cravens.

Subscribed and sworn to before me this 16th day of September, 1900.

(Signed) C. R. Breckinridge,

Commissioner.

BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment)
of T. F. Dawson and minors on)
Cherokee citizens.)

Depositions of certain persons in behalf of the applicants for enrollment mentioned in the style hereof, taken before me, Lewis F. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, at the office of S. H. Donehey in the Vinita Hotel building in the town of Vinita, Indian Territory, on Thursday the fourth day of October 1900, between the hours of one and a half o'clock and six o'clock in the afternoon of said day, in accordance with the agreement to take testimony, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

T. F. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY C. E. DENISON:

Q State your name, age, residence and occupation?
A T. F. Thompson, 55 years old, I live near Vinita, Cherokee Nation,
I. T. I am a farmer.
Q How long have you resided in the Cherokee Nation? A All my life.
Q Are you a citizen of the Cherokee Nation as now constituted?
A Yes, sir.
Q Upon what is that citizenship based, blood or otherwise?
A Blood.
Q What, if any official position have you held in the Cherokee Nation, and at what time?
A I was elected to the Cherokee Council in 1870 some odd, I don't remember the exact year, I was also on the Commission Court.
Q Do you remember when that was? A Some time in 1880 or 1881, I think, it may have been earlier.
Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.
Q State, if you remember, how many members of that Commission or Court, there were, and who they were besides yourself?
A There were three, Mango, Fold and myself, Tehee was President of the Court.
Q There were the sessions of that body held? A Tahlequah, Cherokee Nation.
Q Did you have a Clerk? A Yes, sir.
Q Do you remember who that was? A D. W. C. Duncan.
Q Do you know whether the members of that Commission beside yourself, are living or dead? A Yes, sir, they are both dead.
Q Can you recollect how much period of time that Commission lasted?
A About three years I think, two, sessions, and there was one session each year.
Q Were the sessions of that body held in Tahlequah, open to the public at all times while it was in session?
A Yes, sir.
Q Were the cases coming before that body heard in open session?
A Yes.
Q Witnesses examined orally? A Yes, sir.

Q Judgments of the Court or Commission pronounced in open session?
A In case of decisions I think they sometimes had secret sessions, yes, the judgments of the Commission were pronounced openly.
Q What you intended to convey by you answer to the former question was that after hearing the proof the Commission or Court deliberated in secret session upon the testimony taken before reaching a decision or announcing it? A After hearing all the testimony we went into secret session.
Q I will present you with a paper which the Notary will mark exhibit "A" and a copy of which he will attach to your deposition, and will ask you if with the exception of the certificate of record by M. L. Bragdon, Clerk, and John L. Adair Asst. Ex. Secretary, you recognize it as a paper you have ever seen before?
A I recognize the signature to it, but don't remember the instrument.
Q Which signature on that paper do you recognize? A My own.
Q That signature is in your own handwriting? A Yes, sir.
Q Do you know whether Thomas Tehee, president of the Commission could write in English or not? A No, I don't think he could.
Q How as to Alexander Wolfe, a member of the Commission?
A I don't think he could write either, I don't think either of them ever wrote except by touching the pen.
Q Were you, and are you familiar with the handwriting of D. W. C. Duncan, the Clerk of that Commission?
A Tolerably well, but it has been a long time since I saw any of it.
Q Will you look at the paper again and say whether you recognize his signature attached thereto?
A Yes, that is his signature to the best of my knowledge.
Q Do you preserve any personal recollection of the application before that Commission of F. H. Dawson and other members of the Dawson family, to be admitted as citizens of he Cherokee Nation by that Commission?
A I remember F. H. Dawson and his brother, that is about the only ones I remember.
Q The question was not as to the personal recollection of the individuals, but as to the claim being presented by the Dawsons for admission?
A Yes, there was such a claim before the Commission.
Q Can you state as to the citizenship of Thomas Tehee, whether he was a citizen of the Nation by blood or not?
A Yes, sir, he was always recognized as such, full blood besides.
Q What is your knowledge of Alexander Wolfe?
A About the same, he was also a full blood and recognized as a Cherokee.
Q Judge Thompson, if you possessed or had, or have now any knowledge of any corruption or bribery of the court or Commission, or any member of it by F. H. Dawson or any of the Dawson family or anybody connected with the presentation of their claim for citizenship, state it fully?
A None whatever as far as I was concerned, and I don't think there was by the balance of the Court.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q Do you mean to say Mr. Thompson that your name attached to the certificate shown you is in your handwriting?
A Yes, sir.
Q Then Mr. Duncan certified that this is a transcript of the [illegible] in the case, he is mistaken, that is the original?
A No, I don't know, that may be the original, if that is not the original I did not sign it, if it is the original I signed it.
Q You state that the witnesses were examined orally before the Court, don't you know that in almost every case [illegible]

affidavits of witnesses when those witnesses were not present?
A I think we ruled exparte evidence out, as well as I remember.
Q Did you have any stenographer or anybody to copy the evidence?
Mr. Duncan did all of the copying.
Q Was the evidence copied and preserved?
A Yes, sir, I think it was.
Q What was done with that evidence, where was any of it ever put?
A I suppose it is at Tahlequah in the office of the Treasurer or Secretary.
Q When you went into secret session did you have Mr. Duncan read that evidence to you?
A Yes, sir, we went over the evidence thoroughly.
Q Did you allow the applicants or their attorneys admission to any of your secret sessions?
No, sir.
Q When you got ready to render your decisions did you then send for the applicants or their attorneys?
A No, sir.
Q And you rendered them in secret also, did you? A Yes, sir.
Q Have you any recollection who testified in the Dawson case, as to their claim? A No, sir, I have not.
Q Have you any recollection as to who they claimed their Cherokee ancestors were? A Yes, sir, they claimed the Rogers.
Q Did they claim relationship with any of the present families of Rogers residing in the Cherokee Nation?
The applicant objects to this question as tending to elicit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.
A I don't know that they did, particularly.
Q How would your court determine when they claimed descent through some Rogers family, that that family was of Cherokee blood?
The applicant objects to the question upon the same grounds as their objection to the previous question.
A By the evidence they produced.
Q Didn't you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were citizens thereof? A Yes.
Q Who was the attorney for the Dawsons? A Old man Houston Benge.
Q Could either Tehee or Wolfe speak English? A They could understand, but they never spoke English, they had an interpreter.
Q Did you ever talk to either of them as to whether they got anything for decidingthis case? A No, sir.
Q How long were you considering the case altogether?
A I could not say as to that, I think we were on it two or three weeks anyhow, I could not say positively now, they were a long time getting in testimony.
Q There were only two or three witnesses examined all told, were there not?
A I think so, three I think, they had quite a lot of affidavits, but we did not consider them.
Q Well the Court was a good while arriving at its conclusion after the evidence was closed?
A Yes, quite a good while, I don't remember the exact time.

RE-DIRECT EXAMINATION:

Q Do you remember who the interpreter the Commission had during the hearing of the Dawson case.
A His name was Reese, I forget his given name.

Q Do you know whether he is living or dead?
A I don't know, he seemed to be in bad health at the time we had the case up, I think they are all dead but me and Mr. Duncan.
Q What was he, a Cherokee by blood?
A He was considered a Cherokee by blood.
Q Do you know where he lived at that time?
A No, sir, he lived in the South part of the Nation though, I think in Sequoyah.

(Signed) T. F. Thompson.

Copy of Ex. "A" to T. F. Thompson's testimony.

CERTIFICATE OF RECORD.

United States of American,
Indian Territory,
Northern District,

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, her by certify that the instrument hereto attached was filed for record in my office the 9 day of March, A. D. 1893, at 10-30 o'clock A. M. and duly recorded in book C. Micl Record Mortg. & Liens, page 339.

Witness my hand and seal of said court at Muscogee, in said Territory this 16 day of March, A. D. 1893.

(SEAL)

M. L. Bragdon,

Clerk.

Transcript to which this is attached, endorsed on back as follows:

"No. 108, Robt. Dawson et al, VS the Cheroke Nation, Transcript of Judgment, Filed Mar. 9, 1893 10-30 A. M. Marshall L. Bragdon, Clerk.,

OFFICE OF COMMISSION ON CITIZENSHIP,
TAHLEQUAH, CHEROKEE NATION, JANUARY 11th, 1883.

No. 108

Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, Rial Dawson,

VS,

The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1883, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship, that the claimants, Robt Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, and Rial Dawson, are Cherokees by blood; and that they are entitled to all the rights and priviligee of Cherokee citizenship within the Cherokee Nation, and that they should be, and they should be, and they are hereby

admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. W. C. Duncan, Clerk of Commission. } Thomas Tehee, President of Com. Alex Wolf, T. F. Thompson, } Commissioners.

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears of the record in my office.

January 11th, 1883. D. W. C. Duncan, Clerk of Commission.

Executive Department,
Tahlequah, Cherokee Nation,

January 11th, 1883,

I hereby certify that the within named Commission on Citizenship, composed of Thomas Tehee, President, Alex Wolf and T. F. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and Commissioned Commission on Citizenship, and that their actions as such are legal and binding.

Witness my hand the

Witness my hand and the seal of the Cherokee Nation, on the date above written.

John L. Adair, Asst. Ex. Secretary.

United States of American,
Indian Territory,
Northern District,

I, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. F. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. F. Thompson, L. T. M. - N. P. Oct. 4, 1900. The foregoing copy having been carefully compared by me with the said original.

Given under my hand and seal of office as such Notary Public, this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.

My commission expires Feb 3rd. 1902.,

D. W. C. Duncan being produced by the applicants after being sworn to testify to the truth, the whole truth and nothing but the truth testified as follows:

DIRECT EXAMINATION BY O. B. DENISON:

Q Please state your name, age, residence and occupation?
A My name is D. W. C. Duncan, my age is 70 years, my residence is Vinita, Indian Territory, my occupation is a farmer.
Q How long has that been your place of residence? A Since 1874.
Q Are you a member of the Cherokee Nation as it is now constituted?
A Yes, sir.
Q Upon what is your citizenship based, a Cherokee by blood?
A Yes, a Cherokee by blood.
Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?
A About that time I held the position of Clerk of the Citizenship Court or Commission.
Q If you remember the names of themembers of that Commission or Court, please give them?
A The President of the Commission was Tehee I believe, and a member by the name of Wolfe whose first name I do not recollect, and Mr. Thompson here.
Q T. F. Thompson?
A Yes.
Q Do you know whether those three members of that Commission were recognized citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?
A They were supposed to be citizens of the Cherokee Nation and their citizenship was based upon their blood.
Q Will you please look at the paper now handed you which the Notary has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will attach to Mr. Thompson's depositions, and state whether with the exception of the certificate of H. L. Dragdon, Clerk, and of John L. Adair Asst. Ex. Secretary, you recognize this paper as one you have ever seen before?
A Yes, I think I have seen this before.
Q When, and where, if you remember, did you first see that paper?
A This is a paper I drew up at the time I was acting as Clerk of the said Citizenship Court.
Q Looking at its date, was it drawn at you at the time it bears date?
A To the best of my recollection it was drawn at the date specified.
Q Do you recognize the signature to the certificate attached to that paper?
A Yes, that is my signature.
Q State if you know, in whose handwriting the body of the paper is?
A It is in my handwriting.
Q And at that time you were Clerk of that Commission? A Yes.
Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and state if you can, by whom they were written?
A I think the first two are my handwriting, the last I recognize that as T. F. Thompson's.
Q Explain please, how you came to write the signatures of Thomas Tehee and Alex Wolfe to that paper?
A Thomas Tehee and Alex Wolfe were full bloods and could not write, and in their presence, and at their request I wrote their signatures.

Q Was that the usual manner of certifying to the action of the Commission to applicants as to the decision of their application for citizenship, where admitted?
A In all instances where it was necessary for the Court to sign a paper of any kind it was adopted by that Court for the Clerk to sign Tehee's and Wolf's names and T. F. Thompson to sign his own name.
Q You didn't catch exactly my idea, but perhaps that answered it, what I intended to call you attention to, was whether when applicants had been admitted to citizenship a paper of this kind now shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?
A My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was entered upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.
Q If you had any knowledge at the time the application of the Dawson family, F. M. and others whose names are mentioned in that paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. M. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?
A I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind is what has originated recently, since the enrollment business has been inaugurated.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q If as you certify, this paper was a transcript of the record, why did you have the judges sign it?
A I know no reason further than that was the practice at that time, the members of the Court being present I presume it was thought it would be as good or better than the signature of the Clerk.
Q Examine that signature of Mr. Thompson, examine the first T in his name and the T in Tehee's name and see if it is not all your own handwriting?
A No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accidant.
Q How was the evidence taken in those cases?
A It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q Do you know whether that evidence is in existance or not?
A I do not, the last I saw of it was when I turned the records over to the Executive office at Tahlequah, and I have not seen it since.
Q You say you never heard any talk about this being an improper case until very recently?
A Well, that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can safely say that did not.

Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross-examination.

A They claimed their right of citizenship through a man by the name of Rogers, I don't recol ect his first name.
Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?
A I do.

(Signed) D. W. C. Duncan.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do certify that the foregoing depositions of T. F. Thompson and D. W. C. Duncan were taken before me at the time and place and in the action mentioned in the caption, and said T. F. Thompson and D. W. C. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence; the claimants being present in person and by their attorney C. B. Denison, and the Cherokee Nation being represented by W. T. Hutchings Esquire its attorney,.

Given und r my hand this 4th day of October, A. D. 1900.
(SEAL)

(Signed) Lewis T. Martin.

Notary Public.
My co mission expires 2/3/1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 6, 1903.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation,. He being sworn and examined by the Commission, testified as follows:

Q What is your name? A Francis Marion Dawson.
Q How old are you? A Soon will be sixth years old.
Q What is your postoffice address? A Afton now, it used to be Ossura.
Q What was the name of your wife? A My first wife was Julia Ann Howard.
Q She was a white woman? A Yes, sir.
Q When were you married to her? A I think it was the 8th of January, 1864.
Q Where were you living at that time? A In Arkansas.
Q Who married you? A A man by the name of Dave Sturdy.
Q Was he a preacher? A Yes, sir.
Q A Minister of the Gospel? A Yes, sir.
Q Did you and she live together as husband and wife up to the time of her death? A Yes, sir.
Q Did you have any children by her? A Yes, sir.
Q What are their names? A William R. Dawson.
Q The next one? A Francis Marion Dawson Jr.
Q The next one? A Johnnie.
Q The next child? A Elizabeth.
Q The next one? A Arizona Allred.
Q Those are all the children you had by your first wife? A Yes, sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Joseph R. Dawson.
Q How old are you? A I will be 51 the 13th day of June.
Q Are you related to the applicant here, in this case, Francis M. Dawson? A Yes, sir.
Q How are you related to him? A Brother.
Q Did you know his former wife, Julia? A Yes, sir.
Q Is she living or dead? A She is dead.
Q Was she a Cherokee or white woman? A I couldn't say that; they married in the states.
Q Do you know when he was married to her? A Yes, sir.
Q When was it? A About the close of the war.
Q Who married them? A Parson Sturdy.
Q Were you present when they were married? A Yes, sir.
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes, sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:
Q What is your name? A John K. Stevens.
Q How old are you? A 56 years old.
Q What is your postoffice address? A Afton.
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes, sir, as we call him, Mud Dawson.
Q How long have you known him? A My first acquaintance with him was in '61.
Q Did you know his first wife, Julia? A Yes, sir.

Q Do you know whether or not they were married? A Yes, sir, they were married.
Q Were you present at the marriage? A No, I wasn't present at the marriage.
Q Did you see them soon after their marriage? A Yes, sir.
Q Did you continue to know them for any length of time afterwards? I knowed them as long as she lived.
Q During the time you knew them did they live together as husband and wife? A Yes, sir.
Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following Cherokee cases:
Arizona Allred et al D-585, John Dawson, D-580, William R. Dawson D-581, Lizzie Dawson D-584 and Francis M. Dawson Jr. D-588.

—o—

I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) E. C. Lathenberger.

Supl. C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 17, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS M. DAWSON, ET AL., as citizens of the Cherokee Nation.

The case having been set for final hearing March 17, 1902 the following proceedings were had:

APPEARANCES:
Mr. A. S. McKennon, of counsel for applicants;
Mr. W. T. Hutchings, of counsel for Cherokee Nation.

Mr. Hutchings: Comes now the Nation on the calling of this case and announces that it is ready for trial, provided permission is given to hereafter examine before the Commission, either at this place or Fort Gibson, the witness S. H. Benge, who has been regularly summoned to attend at this day and time but who is too sick to travel at this time and probably will be for some time to come. As evidence of a good faith of the Nation we hereby present an affidavit of the facts sought to be proven by the said Benge. If the applicant's counsel are willing to concede that the witness if present would testify to the facts herein set forth, the Nation is ready to proceed to trial without reservation of any kind. If they are not it desires to reserve this privilege of hereafter, either tomorrow or otherwise, this case being set for to-day and tomorrow, of examining before the Commission, or its authorized officer, this witness as above set forth.

Mr. McKennon: Applicants object to the introduction of the paper presented and do not admit that the witness, Samuel H. Benge if present would testify to the facts therein stated. They consent and desire that the testimony of said Benge be taken before the Commission at its office in Muskogee but not elsewhere, and protest against it being taken at any other place, with the understanding, however, that when taken we have opportunity to introduce any evidence we may desire in rebuttal.

Mr. Hutchings:
The Nation will pay all the expenses of the opposing counsel, their client and Commission officers in taking the deposition at Fort Gibson.

Commissioner Breckinridge: The allegations of this [illegible] material in their character and are quite tangent. The Commission of its own volition would acquire information of that character if it knew of its existance anywhere. While the functions of the Commission, as well known are in many respects judicial yet it is vested with somewhat complex powers, such as Congress creates from time to time to do business of certain character, and it is ordered to make a correct roll, which is a duty largely independent of hearing simply what is brought before them; it must be the architect and constructor of that roll and if evidence is not brought before the Commission it must go out and get it, to [illegible] that construction of the law. The Commission, therefore, desires this information independent of any counsel on either side with respect to the applicant and to the Nation, and if this [illegible]

is not able to come one of the Commissioners will go to Fort Gibson and to his bed-side, or send a Proper official, if necessary to take his testimony. The only matter to consider, therefore, is one of convenience with respect to getting this testimony. Now, I understand that this witness is an extreme sufferer from Bright's Disease he is an old man and he may never be able to get out of the house, and it may be an injustice to him to subject him to a trip here, and therefore it seems to me better that counsel for plaintiff submit to a form of taking a deposition or else accompany an official of this Commission over to Fort Gibson and let his testimony be taken there.

After consultation with the attorneys upon the two sides it is found to be agreeable that the parties start to Fort Gibson to-morrow morning at half past eight o'clock, and it is agreed then and directed with an official of the Commission with a stenographer leave from the office of the Commission for Fort Gibson at 8:30 to-morrow morning.

FRANCIS M. DAWSON, the applicant, re-called for additional cross-examination on part of the Cherokee Nation:

MR. HUTCHINGS:

Q What is your name? A Francis M. Dawson.
Q Where do you reside? A In Afton.
Q You have been examined in this case heretofore, have you?
A I don't know which case it is.
Q In your own case? A Yes, sir.
Q Are you the one that is commonly called Bud Dawson? A Yes, sir.
Q You made the original application in the Dawson family for admission to citizenship in the Cherokee Nation, didn't you? A. sir; my brother.
Q What was his name? A A. E. Dawson.
Q You and Robert Dawson and Elbert Dawson and others applied September 24, '81, about that time? A Yes, sir.
Q And you were admitted about the 11th of January '83? A Yes, sir.
Q There were other members of your family that applied at the same admitted after that time? A Yes, sir.
Q Do you or not remember the evidence offered in their to substantiate their cases was the relationship between yourself and others and the evidence of your admission by the Tah Court. In all the subsequent admissions I mean the only evidence of was the fact that you and your brothers had been admitted and that they were kin to you; that was the only evidence in any subsequent cases, wasn't it; so far as you
A That is afterwards?
Q Yes, afterwards? A I think there was some other evidence introduced.
Q Don't you know that there was never any evidence of in any other case except evidence of Dr. Baker of Ark sir.
Q Who else? A Oliver Miller.
Q Who was Oliver Miller; the records in this case have been destroyed and mutilated? A Oliver Miller
Q What was he, who was he? A He is a
Q Well, what station in life did he occupy; former?
A Yes, sir, former.
Q Were you present when he testified? A Yes, sir.
Q Were you present when Dr. Baker testified? A Yes, sir.

Q Have you a fair recollection of the testimony of those two men?
A No, not at all.
Q You don't read do you, Mr. Dawson? A No, sir, I dont read nor write; I can barely write my name.
Q Do you think you would remember the testimony of Dr. Baker if your mind was refreshed on it? A Part of it I think.
Q Were you present when you were admitted? A I was not in the room.
Q You were in Tahlequah at the time? A I was in the town of Tahlequah at the time.
Q I will read this paer to you and desire for you to say whether or not it was the testimony of Dr. Baker in your case.

(Affidavit of Dr. Arthur Baker read to witness, and asked to be copied in the record later.)

Q Is that the correct transcript of the testimony? A It has been so long ago, I could not say; a part of it is, I could not remember it all.
Q Does that state the facts as to the family history correctly so far as you know about it? A So far as I know.
Q Now, you were a son of what Dawson? A Robert Dawson.
Q How many children did Robert Dawson have, and give me their names?
A Elbert Dawson, the eldest; Lila, Jesper, Francis Marion-
Q That is yourself? A Yes, sir; Elizabeth Dawson, Josephine Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson, Edna Dawson, Mollie Dawson, Wilburn Dawson.
Q Thirteen? (No response.)
Q Now, Rober Dawson's father was whom? A Sam Dawson.
Q Who was Sam Dawson's wife, your grandmother? A I have been told.
Q By family history is all you know? A She was called Polly Dawson.
Q Who was Anna Pruitt? A I don't know.
Q Never heard of anybody in the family by the name of Anna Pruitt? A No, sir, that was away back in the old country; I have heard talk about it, old Dr. Baker talked about it.
Q Your grand-mother's name was Polly Dawson? A Yes, sir; I don't remember seeing her but once, she died when I was small, died in Texas.
Q Pollie Dawson? A Yes, sir.
Q And she was known to be Pollie Rogers, her maiden name? A Yes, sir.
Q Daughter of Captain John Rogers? A Yes, sir.
Q Now, she died in Texas what time? A I don't remember.
Q Can't you guess at it? A Oh, I could guess.
Q Give your best recollection? A About '58 or '59, or no, '48 or '49; I don't say positive, just guessing at it.
Q How old a boy were you then? A I was born in '42.
Q Have you any distinct recollection of her? A No, sir.
Q Have you any recollection of all the children of Sam and Pollie Dawson; that is, your father, uncles and Aunts? I didn't see all of them.
Q Do you know by family history the names of all of them? A Yes, sir.
Q Will you give them to me?
A Betsy Ann Dawson, I believe her name was.
Q Did she marry a Petty? A Yes, sir; the next is Robert Dawson.
Q Your father? A Yes, sir.
Q Next one? A I think the next was James Dawson, and I think the next one was a girl, Edna Dawson.
Q Did he have two daughters? A Yes, sir.
Q Well sir? A The next one was Joe Dawson; I never saw him; Lila Dawson.

Q That is Samuel R. Dawson, Riley Dawson? A Yes, sir.
Q Any other ones? A That is all I know anything about.
Q Did he have any child by the name of Jesse? A Yes, Jack.
Q Didn't you say Jack was named with Jess? A No, it was Jess I have heard my father speak of.
Q Then they have seven children? A I never knew them all.
Q How many of them did you ever meet? A I have met Riley Dawson and James Dawson and Jack Dawson and Betty Ann Dawson, I don't think I saw but one of Pa's sisters and brothers, they went to Mississippi I think.
Q Do you know that your family history says that the father of your grandmother, Pollie Rogers' name was? A We have no history.
Q Well, so it was brought down to you, did you ever hear anybody say what your great grandmother's name was? A No, I don't remember.
Q What is the other man, Oliver Hillenthal testified in your case? A He testified in James Dawson's case; he never testified in my father's case.
Q Well, didn't anybody testify in your case but Dr. Baker? A Yes, sir, several other witnesses.
Q Who were they? A I don't remember; my mother got them witnesses around Tahlequah, old people.
Q Were you present? A No, sir.
Q You were only present when Mr. Baker testified? A Yes, sir.
Q Now, do you find any mistakes in Dr. Baker's statement there? A I could not say all of that was correct or not, part of it is correct.
Q What part is correct? A My about knowing the family over there.
Q Who is Buck Dawson? A My brother.
Q What is his name? A We always called him Buck, it is Elbert, E. Dawson.
Q Who went with you the first time you went up to make application for citizenship do you remember? A With my brother.
Q The first time? A I met my brother in Texas.
Q Which one? A E. Dawson.
Q That is Elbert or Buck? A Yes, sir.
Q You were living in Arkansas? A Yes, sir.
Q And he was living in Texas? A Yes, sir, and another one of little brothers, Dr. Dawson now:
Q Dr. Dawson now? A Yes, sir.
Q What is his name? A James.
Q And you three went there? A Yes, sir.

Mr. McKennon: Applicants by their counsel object to all the statement of the witness relating to the testimony introduced before the Cherokee Citizenship Commission, and the history of the family as detailed by him, because the same is incompetent and irrelevant, and cannot be used for the purpose of impeaching the integrity of the judgment of said Commission, or either of the Commissioners in admitting members of the Dawson family.

Commission: The objection of the Attorney for the applicants to the testimony above will be noted. The same will be filed and noted for what it is worth.

(Attorney for applicants waives examination.)

C. M. TAYLOR, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. RUTHERFORD:

Q State your name? A C. E. Taylor.
Q Where do you reside, Mr. Taylor? A In Hopkinsville.
Q Were you an attorney before various citizenship Courts along in fall to 'ay in the Chevoma, I then at Tallahoma? A Yes, sir.
Q Were you attorney for W. H. Duncan and only known as Bud Dawson?
A Yes, sir.
Q Were you present at the taking of testimony in that case? A No, sir, I wasn't present.
Q Do you know who composed the Court that rendered the case at that time? A Yes, sir.
Q Who were they? A Tom Tobey and Alex Wolfe and Toby Thompson.
Q Do you know whether or not they were all there when the case was decided? A No, sir, there were only two of them present.
Q Which two? A Tobe and Wolfe.
Q Who was the Clerk of the Court at that time? A Mr. Duncan, D. W. C. Duncan.
Q Do you know what witnesses were used in the case of Bud Dawson?
A No, sir; now I was the attorney in the case and the evidence had already been filed before the Court.
Q When were you made attorney? A I was only called in as an attorney at the— Well, Mr. Duncan came down there, and Mr. Bryant had the case and several other attorneys had the case and he employed me.
Q Did you read the evidence in this case? A No, sir.
Q Did you deliver any money? A Now, I was the attorney in the case and I don't think it would be right for me to make my statement.
Q Now, you have claimed your privilege, I ask that you answer the question? Did Dawson ever hand you any money with the direction to pay it to either member of the Court or the Clerk of the Court, D. W. C. Duncan, and if so state the amount? A I had a heap of trouble over this matter.—

Commission: Must answer the question, Mr. Taylor.

A Being the attorney I don't believe it is right for me to answer that question.

Commission: Do you refuse to answer? A Yes, sir.

Q Did the matter to which you object to testifying occur prior to the rendition of the decision admitting to citizenship or afterwards? (No response)

COMMISSIONER BRECKINRIDGE:

Q Do you desire to reply to the last question? A I don't think it is right; I was attorney in the case.
Q Mr. Taylor, do you object to answering that question? A Yes, sir.
Q You refuse to answer that question, do you? A I had rather not say or it.

Q Either answer it or say you don't answer it? A I had rather not answer it.
Q Mr. Taylor, you have answered a number of questions up to this point, but it is at this point what you prefer to plead your privileges, as an attorney, do you? A Yes, sir.

Com'r Breckinridge: The power in regard to these matters is lodged in the United States. The Court is clothed with special power with reference to any error that arise through this Commission. Of course the Commission is free and it is its duty to make

[illegible] for the [illegible] of a correct roll the fullest information possible, but it is subject to the limitation of law. It is not for this Commission to decide of the law in [illegible] of this character with any authority as I understand it at this time, but to report the matter to the United States Court and let the Court pass judgment.

Under section 21 of the Curtis law as it is commonly called Act of June 28,1898, the members of the Commission shall in performing all duties required of them by law, have authority to administer oaths, examine witnesses and send for papers and persons, and the court is clothed with authority to enforce obedience. The law having enumerated certain powers goes on to say so far as all others are concerned to enable said Commission to make rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work. Now, the Commission will report the facts to the United States Court and let the Court decide whether or not you are within your lawful privilege. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what what is commonly considered a matter of privilege--according to an authority referred to by an attorney, but the enforcement of an answer seems clearly to be a matter for the Court to deal with.

Q Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct that you make answer, and if you refuse I shall report the matter to the United States Court; do you refuse? A Yes, sir.
Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer; viz: as to whether Mr. Dawson sent you money to pay to the Court or to any officials of the Court, it seems to refer to the question as to whether there was any collusion between you and Mr. Dawson and any member of the Court; now, I understand that you refuse to answer that question upon the grounds that you were Mr. Dawson's attorney? A Yes, sir.
Q Now, I require that you answer that question, do you refuse?
A Yes, sir.
Q I shall also report that refusal to the United States Court as it seems to come under the provision of law, relating to conspiracy between you and Mr. Dawson which apparently considered a privilege matter, and you base your refusal now, not upon the ground that you are incriminating yourself, but that you were counsel for Mr. Dawson. I will report the matter to the Court and you will be informed as the time of any proceedings in the matter I caution you not to talk with Mr. Dawson or any of the applicants in this case.

Mr. McKennon: Applicants do not object and have not objected to the witness answering on account of his privilege as an attorney or for any other cause whatever, they only want to object to the incompetence and irrelevancy of the testimony, with the privilege of cross-examining upon any testimony given by the witness.

COM'R BRECKINRIDGE:
Q You still refuse having the consent of the attorneys in the case to make answer? A I will just ask your Honor to let the matter go over until morning.

Commissioner Breckinridge: It will rest until it is the morning at its present status; it is after business hours now.

As for the objection made by Captain McKennon, Counsel for the applicant, it will be taken into consideration, but will not be granted at the present.
(The Commission adjourns until 1:30 P. M. to-morrow, March 13, 1900.)

Supl.-C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., March 18, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS M. DAWSON ET AL., as citizens of the Cherokee Nation:

Appearances:
Mr. A. S. McKennon, of Counsel for applicants.
Mr. F. T. Hutchings, of Counsel for Cherokee Nation.

SAMUEL H. BENGE, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Samuel H. Benge.
Q Where do you reside? A Fort Gibson.
Q How old are you? A I am 70 years old, going in 71.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; Cherokee by blood.
Q State what official position you have held in the Cherokee Nation and what your general connection with the Nation officially in the last 40 years? A Well, I had several; I have been Sheriff, Councilman, Senator, Delegate to Washington; had a hand in making the treaty of 1866, I am the only one living that signed that treaty; President of the National Council of different tribes of Indians.
Q Were you acquainted with F. M. Dawson, commonly called Mac Dawson? A Yes, sir; I knew him.
Q State you connection with and what you know about his citizenship case before what is known as the Thomas Tehee Citizenship Court? A Mr. Dawson came down, I was living down below here, he come and employed me to tend to his case and we went to Tahlequah, I believe if I ain't mistaken in 1901 and filed his case there; we went several times and continued his case on for the want of evidence, and finally while we was up there we run across one old darkey by the name of Tosh Rogers; we got his testimony and after we got that testimony we concluded that it was sufficient to go into the trial with. Tosh lived here at Fort Gibson, he was a horse trainer down here and stayed here; he claimed that he knew the Rogers and belonged to one of them and after what we thought we had sufficient evidence we submitted our case to the Court for trial, and the Court went to work and rendered a decision against Mr. Dawson.
I told Mr. Dawson right there that "our case is dough", just made that remark, and he just made the remark "never mind", and next morning they taken up his case again and they rendered a decision in his favor. I filed no motion nor any evidence at all whatever; I give the case up right there and the decision was then given in his favor, and on our way back from Tahlequah, why we got to talking about the case and I told him: "it was a pretty hard blow when they rendered that decision against us." He said: "yes, but Duncan was the man to reach", but he re cheed him with five hundred dollars.
Q What position did Duncan occupy? A He was Clerk of the Court.
Q Duncan an educated man or—? Yes, sir; he was an educated man.
Q Who were the members of the Court? A Tom Tehee, Alex Politz and Tom Thompson.
Q How many of those could speak English at all? A None.
Q Which one? A Thompson.
Q Who was the Attorney that represented the Nation in those cases? A Ivy Sanders.

Q What was his given name? A Wilson Sanders; was it Wilson Sanders?
A Wilson Sanders.
Q Was he an educated man, or could speak English well? A No, sir.
Q Did Mr. Dawson say anything about the matters having cost him a good deal of money? A He said it had cost him a right smart.
Q Was any remark made on the way back about the opening up of the case, and if so, what? A He asked me if I thought the case was ever investigated eventially and I told him I didn't know.

MR. McKENNON:

Q Were you ever a witness in the Dawson case, Judge, in any of those investigations that have been made since that time? A I don't know that you might call it a witness; that young man come to me once at Tahlequah, and asked me to help him up there that the case was going against him, him and his mother and all was about knocked out and I interceded and done what I could there before the Committee. I was not a witness but that is all I don't for him.
Q That was Mr. Graham, wasn't it? A Yes, sir.
Q Have you had conversations with Mr. Graham since that time about it? A Now, I might, I don't recollect, I might have had conversations with him.
Q Well, after the Dawes Commission began taking a census of the Cherokees and when they were about Sallisaw down here, did you have a conversation with him here in Fort Gibson about the matter? A Now, I just can't tell you; I have seen him on several occasions, but the conversations we might have had I can't state.
Q To refresh your memory I will ask you if he did not tell you that they were making a fight on the Dawson family and he wanted to know of you whether that judgment in favor of Robert Dawson's family was fairly rendered, and did you not then tell him that it was all right, that it was fairly obtained? A Not as I recollect of; all he said; that is as I have stated he talked to me in regard to his father, himself and probably his brothers and sisters, I don't recollect how many there were, but he told me they were rejected, that is just the words he used.
Q When? A It was been sometime ago.
Q Here in Fort Gibson? A Well, that is I saw him here in Fort Gibson, and when I saw him in Tahlequah.
Q Well, did he here in Fort Gibson ask you particularly about the Robert Dawson judgment, as to whether it was fairly obtained or not? A No, sir; he was basing it a claim on the Dawson case, that is the way he-
Q That is the principal Dawson family? A Yes.
Q When was this other written statement here made, when was this made by you? (referring to affidavit heretofore referred to.)
A Yesterday I reckon.
Q Who came to take this? A Mr. Starr.
Q Who else was present when this was taken? A No, sir.
Q When had you told about this matter, Judge? A No one as I know of.
Q Do you know how it was that they knew that you knew this?
A No, sir.
Q You never made any statement? A Never made any statement that I recollect of except I might have talked with Scales, we used him talked about these cases a good many times; if I ever made a statement it was to Joe Ab Scales.
Q How did Mr. Starr know? A I could not tell you how Mr. Starr knew.

Q He came alone here as a Notary Public? A He came alone here as a Notary Public. All he said when he came, he says "we understand that you know something in regard to Chism cases"; I said "what case," and he went to work and named Shoemake case and Dawson case.
Q And thereupon you made this statement? A He said he wanted to qualify me.
Q Are you certain Judge that after the rendition of that judgment Mr. Dawson came back here to Fort Gibson with you?
A Yes, sir; we was together.
Q Let me ask you if it was not a very cold day when he came here and he went over ahead of you and you went over to Tahlequah the next day or two after he left? A My recollection was he and I went together.
Q And returned here together? A Yes, sir.
Q Did he not leave you there and go back direct to Arkansas?
A No, sir, we came here together. If my memory serves me right, I might be mistaken but then I don't believe I am, he came from Webbers Falls up here to my house, that is according to his statement.
Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.
Q How didthey pay you? A Paid me the money.
Q Who paid it to you? A Dawson there and that fellow, young fellow paid me some.
Q Mr. Graham? A Yes.
Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.
Q I will ask you if Mr. F. M. Dawson here did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you $50 that they paid you? A No, if I ever got a letter of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over i Arkansas, but not living down in Texas, I don't know about it.
Q Where did he pay you the money? A Paid it here at home.
Q Before you went out? A He paid me fifty dollars before we went up and when we went up yonder he paid me fifty dollars more; if you want to know what I got, I got one hundredn dollars.
Q You were acting as his attorney in the case? A Yes, sir.
Q How many judges were there present when the judgment was rendered?
A In his case?
Q Yes, sir. A Well, according to my recollect there was all there, but if they were not all there, Tom Thompson was sick. Toher and Wolfe.
Q Don't you remember that they were all present? A No, I think they were present though.
Q Who else was present at the time? A Oh, I could not tell you, there were several people in the house; could not tell you at all.
Q Were there several in the house the evening before the judgment was rendered against them as you say? A Yes, there were several in the house.
Q And several in the house when the judgment was rendered the next day? A I don't know how many there was.
Q Do you remember the names of any of them? A Why not exactly, mostly full bloods.
Q How long didyou remain out at Tahlequah on that trip?
A I guess I was there about three days.

Q Tending to this case alone, or did you have other cases? A No, sir.
Q Do you know of your own knowledge that the judges received any money (this question asked at the instance of Mr. Graham present) A I don't know whether the judges received any or not.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

March 18, 1902. Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. H. TAYLOR takes the stand and continues his testimony.
BY MR. HUTCHINGS:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today: have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held as in contempt of the Court.
Q You would be held in contempt and the other Court would make you answer? A That being he case of course I would make a statement.
Q Are you acquainted with D. W. C. Duncan, the Clerk of what is known as the Tehee Citizenship Commission Court? A Yes, sir.
Q Did you ever have any conversation with him about letting him know of the different character of cases that would come up before the Court that you knew of, whether they were good ones or bad ones? A No, the only thi g that ever come up in that respect; he asked me if whatever large cases that would come up befor the Court to let him know.
Q Did you have any talk with him about the Dawson case during the progress of its trial or before and ever introduced Mr. F. M. Dawson to him, or carry him to him? A I spoke to him when Mr. Dawson came to Tahlequah to see about his case, and he said that he would take the papers over to his room, the Dawson papers.
Q Did you see him again that night? A Yes, sir; after supper I went down to his room.
Q Did he ask you about the Dawsons or Dawson case? A He asked me where Dawson was.
Q Which Dawson are you referring to now, F. M. Dawson, known as Bud Dawson? A Bud Dawson.
Q Well, what didyou reply to him? A I told him that I thought he had gone to church.
Q Did you find Dawson after church? A Yes, sir, he told me to come and bring Dawson down and I did so; Dawson was in church.
Q You carried Dawson to him? A Yes, sir.

Q Did you come in during the conversation? A Only a minute.
Q What was said if anything while you were present? A Mr. Duncan spoke to Mr. Dawson and says "there is a hitch in your evidence."
Q Go ahead and state what else he said? A He said "if that was straightened out it would be all right," and I turned and went away. I says, "gentlemen, I will go home."
Q Did you know of their having any other conversation or communication after that? A No, sir.
Q You left them there together yourself? A Yes, sir.
Q Did Mr. Dawson give you any directions the next morning about submitting the case? A Yes, sir, he asked me to call it up the case.
Q The next morning? A Yes, sir.
Q Had there been any additional evidence offered? A No, sir; there was not additional testimony offered.
Q He told you the next morning to call up the case? A Yes, sir.
Q Was it called up and submitted the next morning? A Yes, sir.
Q Now, how many of the members of the Court were there present that morning? A There were only two, two full-blood Indians.
Q Could they speak english at all? A Tehee could talk a little, talk some.
Q Did that Court have open sessions all the time or what is called executive sessions sometimes? A Well, I don't remember about that; it was generally when the case was submitted th attorneys would go out. The parties would go out and they would determine the case.
Q Well, did they go out into that sort of executive session the next morning on the Dawson case? A Well, we went out when the case was submitted.
Q And was the decision rendered that morning in their favor?
A Yes, sir.
Q Who notified you of the decision of the Court? A Why, Mr. Dawson.
Q Do you remember whether he went out with you or was in there during the consideration of the case? A I think he went out with me.
Q Did you at any time thereafter receive any money, checks or other evidence money from Mr. Dawson with direction to turn it in part over to D. W. C. Duncan, the Clerk of that Court? A Mr. Dawson gave me 20 dollars and said he would send the balance in a short time, said he would send some more money in a short time.
Q Well, did he send any money afterwards? A Yes, sir, in the course of ten days or two weeks he send a hundred dollar check, draft.
Q What did he direct you to do with it? A He directed me to give D. W. C. Duncan half of it.
Q Did you give him half of it? A Yes, sir.
Q Did he send you any at any other time after that? A Well, in the course of a couple of weeks he sent me a hundred dollars more.
Q Did he direct you to turn any of that and if so how much, to D. W. C. Duncan? A He told me to give him half of it,
Q Did you give him half of it? A I did, sir.
Q Do you remember whether on Dr. Arthur Baker was the principal witness in behalf of the Dawson case? A No, sir, I don't because I never had any connection with the case, but I heard that he was a witness in the case.
Q No argument was made when you submitted the case? A No, sir.
Q Just submitted it on the testimony? A Yes, sir.

MR. McKENNON:

Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Were you born and reared in the Cherokee Nation? A No, sir: I was born in the old Nation.

Q When did you come to the Cherokee Nation? A Came here in 1887.
Q How long have you been practicing law in the Cherokee Nation?
A I think since '89.
Q You have done a great deal of citizenship business haven't you?
A Yes, sir.
Q You were in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.
Q Were you convicted there? A Yes, sir; I was convicted there on this very case.
Q And served a term of what length? A I was sent to the jail hospital for sixty days and I stayed in about 38 or 39 days, and I was released.
Q When was that? A I don't remember how long ago it has been.
Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention; Clem Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.
Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the mail for fraudulent purposes.
Q Sending out propositions and obtaining cases for citizenship for people [illegible] Cherokee Nation? A No, sir, it was for answering correspondence.
Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went before the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.
Q Well, now, was the charge based upon that or was it based upon your letters you sent out to other people? A That was the charge for using the mail for fraudulent purposes.
Q The use of the mails for fraudulent purposes not in connection of this case was it? A Not particular of this case.
Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is what you mean to say? A Yes, sir.
Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.
Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.
Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.
Q Yet when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occured between you and your client, Bud Dawson, in relation to this matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.
Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he summoned me and I come down here and I didn't want to make a statement to him but he insisted.
Q He had no power to compel you to make a statement? A No, sir.
Q You could then make it very freely and your conscience did not hurt you, but when you came on the stand you were very conscientious about it? A I didn't want to make a statement at all unless I I would be put in jail here if I didn't.
Q But you had armed them with information by which they could ask you these questions when you came on the stand? A I had told Mr. Hastings.

Q You knew when you gave him that information that you would be brought on the stand as a witness, did you not, by reason of that? A No, I didn't know that I would be compelled to make a statement in the matter, a sworn statement.
Q You thought you would not be compelled to answer?
A I didn't think the law would compel me to make a statement.
Q Why then did you make a statement to him about it? A Oh, he was asking me about it, and I told him that I didn't want to make a statement, and I didn't for quite a while after I came down here.
Q When the enrollment division of the Dawes Commission was in Tahlequah, in the winter of 1900, did you not there meet F. M. Dawson and did you not then and there say to him if told Shoemake I would be for him if he would employ me in his case and if he didn't I would be against him, and the same to you? A No, sir; I said to him this; I says that if there is not something done that I will likely be summoned against you and Mr. Shoemake both.
Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it. I was going out of town just as he came in.
Q When you told him if something was not done you would be summoned as a witness against him; what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.
Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?
A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your client to you in one instance, but if a little more money was put up you could not be required to make a statement; is that what you mean? A I didn't think I could be forced to make a statement at all in the matter.
Q Why didyou make that expression to him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I meant if I was employed in the case.
Q If he would put up you would not testify? A That they could not force me to testify.
Q About the month of February, 1901, in the town of Wagoner, Indian Territory, did you not send your son to get Graham to come to the hotel at night, and did you not then and there say to Old Graham; "you people are on the doubtful list and if you will give me $500. I will make it all right and see that you are enrolled and if you don't I will se that you don't get on"? A No, sir; I got a letter from Old Graham in which he asked me to certify that the case was all right and after I met him I told him that I could not do it, that the case was crooked, he then said to me, he says, "I will give you a hundred dollars", he says "will you take a hundred dollars," I said "no, sir." I didn't make any bid, that is I didn't set no price with him.
Q You did not say to him then what I have embraced in that question there? A No, sir.
Q You did have a conversation with him about that time and at that place, did you not? A Yes, sir.
Q You say you didn't make any bid or set any price? A No, sir; he offered me a hundred dollars.
Q Why did you send for him to come to the hotel? A In answer to his letter.

A Did you not on yesterday morning on the street in Muskogee, Indian Territory, in a conversation with W. H. Shoemake say to him: "You have made a great mistake in not keeping in your employment and so have the Dawsons and it will go hard with you and you will see it"? No, sir; I says to Mr. Shoemake, I says: "Who have you employed in your case," and he says "Judge Thomas and Mr. Owen." I said "It might have been a advantage to you if you had retained me in your matter;" Well, he says "there was nothing wrong in my case" and I says "no, there is nothing wrong on earth in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I says "there is not a thing on earth wrong in your case as I know it came up fairly and squarely and decided in your favor."

Q You said nothing to him about the Dawson case? A Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am summoned on the part of the Nation and I don't want to make a statement and I wont if I can possible avoid it."

Q Was that before or after you talked with Mr. Hastings, the representative of the Nation? A It was afterwards.

Q You meant by that if you had refused to answer you would have gone to jail? A No, sir; if they had employed me before hand I meant not now.

Q You mean that if they had employed you before hand you would not have given this information to Mr. Hastings? A I would not be required, being the attorney.

Q Were you required to give him the information; did you know that you had to give him any information? A Who do you mean.

Q Mr. Hastings. A I did refuse him and he insisted.

Q Well, he no authority to compel you to do it? A No, sir; I don't know whether he did or not.

Q As a lawyer you knew that he did not have authority to compel you to make a statement to him? A I told him that I was an attorney in the case and I didn't want to make any statement at all.

Q Why did you do it? A Well, he intimated to me it would go any further. He said to me "I will not make this matter — I will not use it;" that is, what I stated to him was part in confidence.

Q And he pledged you his word that it would not be used? A Well, told him I could make a statement in confidence, and that I didn't want to make a statement before the Court.

Q Well, what did he reply, as you said just now? A Oh, he says make the statement and then I told him—I regretted very much to do it, and I regret very much to make a statement here. I tried to avoid it yesterday.

Q You stated just now that he said it would not be used; did he say that or not? A Well, something to that amount; oh, he says it wont make any difference or something to that effect.

Q Now, don't you know that Mr. Hastings did not intimate to you that the statement he was making you to make would not be used? A Well, I didn't think that I could be forced to make a qualified statement before the Court here, because I thought my license would protect me in that matter.

Q Yet it did not protect you or prevent you from making a statement to the attorneys for the Nation? A No, sir.

Q Now, in this conversation with Shoemake to which I before referred did you not ask him to again employ you and tell him if he would you could make it all right for him? A No, sir; I didn't say that; no, I said if he had employe me in the matter "maybe it would have been better for you." Now, he offered me when I was down here last week, he offered me five dollars to go down and talk with the lawyers on the matter, I didn't go I was busy.

Q That was not your price? A No, no, I had nothing to say in his case that would be to his advantage; I knew nothing against him.
Q Now, then, you say that your were present on the morning that the judgment was rendered in favor of the Dawsons? A I was not in the Court house.
Q You were present in Tahlequah? A Yes, sir.
Q How long had you been at Tahlequah? A I was living there at that time.
Q When were you first employed by them? A By Dawson?
Q Yes, sir. A The evening before the case was tried.
Q You say that after he judgment was rendered Dawson handed you $30? A Yes, sir.
Q And told you to hand to Duncan? A No, sir.
Q What was your statement? A That he paid me $30 and says "I will send you some more in a short time, week or so.
Q And then he sent you $100? A Yes, sir.
Q And wrote you to give D. W. C. Duncan $50 of it? A Yes, sir.
Q And then sent you another $100 and told you to give him half of it? A Yes, sir.
Q How much did they pay you? A Well, that was the agreement, was that he would pay me $50 a family.
Q How much did he pay you? A I think there was $250; now I am not sure about the $50, but it appears to me like there was a $50 sent, and Mr. Duncan asked me, as well as I remember, says "have you got a letter from Dawson," I told him "yes, sir." It was either that or the $100, and he says "I would like to have some money", and I went to Stapler's and got it changed— I won't be sure about it being $50 or $100—I went to Stapler's and got him to cash the check and give him his part of it.
Q How much did they pay you for your services? A That is all I got.
Q How much? A I think it was $100, $120.
Q What did you do for them? A Didn't do a thing only called up the case and submitted it; never read the evidence.
Q Submitted it without remarks? A Yes, sir.
Q And for that you say they paid you $120? A Yes, sir; $120.
Q Was Houston Benge present when that was done? A No, sir; I don't think he was.
Q Did you see him then at that time in Tahlequah? A I don't remember.
Q Were you associated with him in any manner in connection with the case? A No, sir.
Q You had a great deal of business of that character, have you before the Courts? A Yes, sir.
Q Were you paid like fees in other cases for like services? A Yes, sir.
Q In many of them? A Yes, sir, good many.
Q All like cases? A Oh, citizenship cases.
Q When was it you were in jail at Fort Smith? A I don't remember; Mr. Lellette can remember, he was there, he was my attorney.
Q Was it about 1885? A It was somewhere along there, along in 1890 somewhere.
Q That has been your principal business as a lawyer, has it not? A Yes, sir.
Q You have never practiced much in any other way have you? A Very little.
Q Were you in the habit of working your cases through in the same manner in which you state you worked this through? A No, sir.

Q This was an exception was it? A I never worked this case through. I simply called the case up by request of Mr. Dawson. I read the evidence; don't know what proof there was in it; he just asked me to call the case up.
Q And he agreed to pay you $50 a family for doing that? A Yes, sir.
Q Was that what you required of him? A That is what he agreed to pay. I says 'what will you give?' He says 'I will give you $50 a family.

MR. HUTCHINGS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoemake case didn't he? A Yes, sir.
Q And you told him at that time before you knew anything about whether you would be made or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemake case? A Yes, sir: that is what I said.
Q You told him at the same time that you not only expected to claim you privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKennon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strenthon your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.
Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.
Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.
Q And let the Court decide? A Yes, sir.

MR. McKENNON:

Q Now, have you a license to practice in the United States Courts? A Yes, sir.
Q In the Territory? A Yes, sir.
Q And also in the Indian Courts? A Yes, sir: do you want to see them?

JAMES W. LEWIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name please? A J. W. Lewis.
Q James W. Lewis? A Yes, sir.
Q Where is your postoffice, Mr. Lewis? A Afton.
Q How old are you? A 73 years old.
Q What is your business ? A I work at the tin business and gun work.
Q Do you know one James Dawson, the brother of F. M. Dawson and the other Dawsons? A I know old man James Dawson.
Q That is the one I mean, old man James Dawson? A Yes, sir; I know him.
Q How long have you known him? A Well, some four or five years, I guess.
Q How long? A Four or five years I think.

Q When did you come to the country? A I have been in the country 70 odd years.
Q Well, when did he come to the country, do you know? A Along about somewheres in eighty if I recollect right, might have been later than that.
Q How did you happen to get acquainted with? A He lived right close by me and I built a house for him.
Q Did you have any conversation with him at the time you built that house? A Yes, several different times.
Q About how he became a citizen of the Cherokee Nation, about the circumstances? A Yes, sir.
Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?
A Well, he told me that it cost him $700 to get his rights.
Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

MR. McKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewheres near about 70 years old, he might have been older than that, I don't know.
Q He was a very old and feeble man? A Yes, he was old and feeble.
Q He seldom ever got out away from his house? A No, sir, only short distance.
Q When you first knew him he was that kind of man? A Yes, sir.

J. L. CLINKENBEARD, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A J. L. Clinkenbeard.
Q What is your post office address? A Vinita.
Q How old are you? A 56.
Q Were you ever an applicant for citizenship before the Tehee citizenship Court in Tahlequah? A Yes, sir.
Q About what time was that? A September '81, I think.
Q Did you meet there about that time, one Elbert or Buck Dawson?
A Yes, sir.
Q How did you happen to meet him? A He and I stopped at the same place, man's by the name of Sharbow.
Q You and he stopped there, did you, board there? A Yes, sir.
Q Well, did you have any talk about citizenship cases, yours and his? A
A Yes, sir.
Q Where did he state that he was from? A Texas.
Q Well, state what you can remember of the conversation between you from time to time about citizenship in the Cherokee Nation?
A Well, we were there on the same business and we talked about it at different times, and in talking about the evidence we had there I, of course, told him how many witness I had and what I could prove and so on, and he said that he didn't have but one witness, Dr. Baker from Arkansas, a man that was 35 or 30 years old, he said, and he hadn't come and said he was to have met him there, but he hadn't come.
Q Well, what did he say about the Doctor's knowing anything?
A Well, he said he was 35 or 30 years old and didn't know straight up.
Q Well, did he say anything about giving him whisky?
A Well, he said he could give him four drinks of Arkansas whickey and he would swear that black was white.

Q Did he say anything about what money would do in Texas or Indian Territory? A Well, in talking about the evidence, he said that money was what made the wheels go down in Texas and he said "I come to get the lay of the land" and he says "I found out it goes here," or words to that effect.
Q Did he say what he had to spend on the question? A Well, he said that he could stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.
Q What did he tell you what he thought about the necessity of witnesses anyhow? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.
Q Well, where did he go from there? A He and I left there together; he went to Muskogee by way of Fort Gibson and there we parted.
Q Did you ever see him after that? A I saw him about two years or something like that afterwards.
Q Where? A Vinita.
Q Did you refer to the citizenship matter? A I asked him how he came out and he said all right.
Q Was he deformed in any way this man? A He had a crippled hand or stiff finger; I don't remember just what it was now.

MR. McKENNON:

Q Your first conversation with him was in '01 was it? A Yes, sir.
Q What time in '01? A September.
Q You were then an applicant for citizenship? A Yes, sir.
Q Have you admitted? A No, sir.
Q You are still an applicant? A No, sir.
Q You are still working to get in as a citizen of the Cherokee Nation? A No, sir; haven't quit it entirely.
Q What business are you in now? A I am running a dairy in Vinita.
Q When did you make these statements now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.
Q How did they ever know that you had had these conversations with Mr. Dawson? A I don't know.
Q You don't know how they found that out? A No, sir.
Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.
Q How, did you approach him or did he approach you? A He approached me.
Q You know why? A No, sir; I suppose somebody I have told someone at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have saw Mr. Hastings for years.
Q Now, you say—how was that expression about his giving Dr. Baker three or four drinks of liquor? A He said the old man; he said that Dr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he did or not; he said he was 85 or 90 years old; he said he didn't know straight up; said he could give him three or four drinks of Arkansas whiskey and he would not know black or white.
Q Now, he said that did he? A Yes, sir.
Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.
Q You say you next saw Dawson at Vinita? A Yes, sir.
Q How long afterwards was that? A About two years, I think something near that.
Q Did he move to the Territory? A Yes, sir he lived at Vinita at one time.

Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I sent the others to the country.
Q Do you run a dairy wagon there? A No, sir.
Q You serve on the jury a good deal? A I have been serving on the Petit jury there this winter.
Q Generally? No, sir.
Q Are you a kind of a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel and served.

C. C. BRAUGHT, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A C. C. Braught.
Q What is your age? A 62 29th day of last January.
Q What is your post office? A Fairland.
Q How long have you been living in the neighborhood of Fairland?
A Been living there 19 years.
Q Do you know one Bud Dawson or F. M. Dawson as his name is?
A I do.
Q How long have you known him? A About 18 years.
Q How close do you live from him? A Half a mile of him.
Q Does he still own that place? A I think he does.
Q Were you an applicant for citizenship along about '81 or '2 at Tahlequah? A Yes, sir.
Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.
Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the time that you had these conversations as near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to put up; he said it cost him $700 to get in; he said he paid one witness three hundred dollars.
Q Did he state the name of that witness? A No, he did not.
Q Whom did he say he made arrangements with? A He said he made arrangements with the Court; that is, heads of families to get them in at one hundred dollars apiece.
Q Do you know what time of the year tht was, whether it was in the summer or not? A I think it was in June.
Q Did he make any other statements to you at any other time?
A No, sir, I don't think he has in regards to that matter.
Q You have been living neighbors with him? A Yes, sir.
MR. McKENNON:
Q You say this was about June of '83? A I think it was in June, 1883, I won't be positive whether it was June or not.
Q You were an applicant; were you admitted? A No, sir.
Q Have you been admitted? A No, sir.
Q You are still an applicant? A Yes, sir.
Q Still trying to get in? A Yes, sir.
Q Where was this conversation had? A Had at Bud Dawson's house.
Q What part of the premises? that is, in his residence?
A Yes, sir.
Q In the house? A Yes, sir.
Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.
Q How many rooms to one room? A I won't be positive but I don't think there was but one room, log house.
Q Just one room? A Yes, sir.

Q And in that room he made this statement to you? A Yes, sir.
Q He and you are enemies are you not? A No, I don't think we are enemies.
Q You are not friendly at all? A Friendly part of the time, and part of the time we ain't.
Q Haven't you had considerable trouble about he lands between your farms? A No, sir; we ain't had any trouble.
Q Didn't you have his little boy arrested recently for a difficulty? A Yes, sir.
Q And you say that you are not on bad terms with him? A Why we speak, have conversation, have right right along all the time.
Q Is it not a fact now that you and he have been all the while at outs? A No, sir.
Q You don't have any unkind feeling towards him? A No, sir.
Q What were your other remarks? A I said no, sir, I didn't have any unkind feeling towards him.

(It being 5 o'clock, the Commission adjourns until 8:30 o'clock to-morrow morning.)

March 19, 1902.
Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of Counsel for Applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. G. BRAUGH, re-called, further testified:

MR. McKENNON:

Q Mr. Braught, you were a claimant under the Watts family are you not? A Yes, sir.
(witness excused.)

CHARLES D. KENNEY, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Charles D. Kenney.
Q What is your post office? A Dawson now.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; supposed to be.
Q Recognized as such are you? A Yes, sir.
Q How old are you? A There is no family record, my parents died when I was young, I just guess at my age, I am somewheres between 44 and 45 years old.
Q Were you personally acquainted with one Elbert or Buck Dawson? A I knew Buck Dawson when I saw him.
Q Did you know him in the state of Texas, if so state what time? A I knew Buck Dawson, knew him and saw him at different dates in Texas.
Q Well, in the year '81 in Clay County, Texas, did you ever see him? A It was in '81 or 82, I think I knew him in both years.
Q Did you ever have any conversation with him in the presence of Bill Smith, Miller Flippin and Joe Ploston about his application for citizenship in the Cherokee Nation? A Mr. Dawson and Flippins were talking in regard to [illegible] there before me one time and

it "he mentioned, I was going up on the strip and Buck Dawson says "he an Indian" and Jiles said "yes, he is an Indian", and "By God," I believe is the way he spoke, "if I was an Indian I would not be punching cattle, I would have stock eating my grass."
Q What did he say about making application? A He said he was going to the Chickasaw Nation and prove up and get him some grass.
Q Who was that? A Buck Dawson.
Q Well, did anybody suggest about his going to the Cherokee Nation? A Yes, sir, I told him, I says "why don't you go to the Cherokee Nation, why don't you go up home" I believe is the way I spoke it, "up amongst God's people," and he says "are they all white like you?" and Jiles spoke up and says "majority of them."
Q Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow punchers, and Mr. Filippin says "Hell, I am going; brother John is getting ready to go now."
Q Well, then what did he say to you? A He says "Who are your best lawyers up there, Kenney," and I told him "Hooley Bell was counted the brainiest man in our country."
Q Well, do you know whether he claimed to have any Indian blood or what he was claiming in that country, whether white man or Indian? A No, sir, I could not say what he was; he was generally known down there as Buck Dawson, a citizen of the State of Texas, that is all I know of him.

Mr. McKennon: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKennon:
Q Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Bass County, Texas. B. W. Alberty was my guardian.
Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date.
Q About what time? A It was sometime in '80 though.
Q What tribunal first? A I don't know; I don't know either when I was admitted, I was re-instated at Council.
Q When? A I think it was in '87 or '88.
Q Haven't you been arrested for crime and charged with crime? A Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande.
Q For what offense? A For gambling, stealing; if I am on trial I have had lots of them. I have been on the road.
MR. HASTINGS, of Counsel for Cherokee Nation:
Q Were you ever convicted? A No, sir.
Mr. McKennon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. BABBART, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name, please? A Thomas B. Babbart.
Q What is your post office? A Lelwin.
Q What is your age? A 45.
Q Are you a Cherokee by blood? A Yes, sir.

Q Did you know one James Dawson? A Well, yes, I did; I have seen him time or two.
Q Were you in Tahlequah about the time he had an application before the Spears or Snake Puppy Citizenship Court? A Yes, sir; I was there about the time the case was settled.
Q Did you know Aaron Butler? A Yes, sir.
Q Who was he? A He was a Cherokee Interpreter for the Court.
Q Do you know James Smith? A Yes, sir.
Q Who was he? A He was the Nation's attorney before the Court.
Q Well, did you about that time have a conversation with either Aaron Butler of Jim Smith in company with Mr. James Dawson? A Yes.
Q State the full particulars of it? A About that time this man Dawson and Butler come to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.
Q Well, did he say anything about whether he could get his case submitted if he had some money? A Well, from the language to me and Butler, he wanted this money; Smith had agreed to submit the case without further evidence in the matter.
Q Well, did you let him have the ten dollars? A Yes, sir.
Q Where did they go then? A They walked off up towards town.
Q Did they go together, those three? A Yes, sir.

MR. McKENNON:

Q Was that James Dawson, the leading applicant in that case?
A Yes, best of my recollection that was.
Q How old a man was he? A I don't know; I could not tell you; he looked, I don't know, he might have been--could not tell you just about how old he was.
Q Well, about how old was he, 35, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.
Q Is he living or dead? A I don't know.
Q Where have you been living? A I have been living down here near Tahlequah.
Q What was the man's name, Dawson's name? A Jim Dawson I think.
Q You are certain of that? A Yes, sir; I am pretty certain.
Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.
Q Dawson took you off to one side? A Butler took me to where Dawson was and introduced me to Dawson and vouched for Dawson being all right for the money.
Q When did you first make a statement of this matter to anybody?
A I guess--I don't remember when.
Q How long have you been in Muskogee this time?
A I have been here since, I was summoned here last Friday.
Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.
Q When? A Oh, about, first I remember it has been about two years ago, and Butler was talking to me about it; it was at my house.
Q Were you born a citizen? A Yes, sir.
Q You weren't admitted to citizenship by the Curts or Council?
A No, sir.
Q You have been living in the Cherokee Nation all your life?
A Well, I was born and raised here; ; I haven't been here all the time; I have been out and in.

Q You have never seen that man Dawson since? A If I have I have never known it, but I seen him the next day.
Q You saw him and took a good look at him, and know about what kind of man he was? I saw him around there about several times.
Q You think he was about 35 or 40 years old? A That would be my guess at it, my recollection.

Mr. McKennon: Applicants object to the testimony of this witness, all of it, because it is wholly incompetent and irrelevant.

DELIA A. BREWER, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your full name? A My husband's name was O. P. Brewer, but generally I sign my name Mrs. D. A. Brewer.
Q What was your full maiden name? A Delia A. Vann; well it was really Delilah but I never was called by that name, it was De altogether in my young days.
Q What was your father's name? A His name was Joseph Vann.
Q Was he called by any nicknames and if so how many, and what?
A None but the Cherokees, the full-bloods called him Joe Aney.
Q What does that name mean when you talk English? A Rich Joe.
Q Did any of them call him Big Joe Vann? A I don't know; he was a large man; larger than the other Joe Vann.
Q There was another Joe Vann? A Yes, sir.
Q Did your father have any sisters and brothers? A He had quite a number of sisters.
Q Did he have a half sister? A Had two half brothers.
Q Did he have a half sister? A Had several half sisters.
Q Who did they marry? A Different persons; I knew the names of all of them but I have a bad memory, but I know that there was one, a Mrs. Ibbie Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.
Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.
Q Never had any Rogers kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.
Q The Dawson case was talked of here for many years, they claiming kin?
A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that my family was prominent enough that they never claimed kin.
Q They never claimed kin at all? A No, sir.
Q Did your father ever had a sister or half sister by the name of Annie, Anna or Alsey? A No, sir.

Mr. McKennon: Applicants object to all the testimony of this witness because it is incompetent and irrelevant.

SAMUEL TOLLIVER DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Samuel Tolliver Dawson

Q What relationare you to the Dawsons? A Well, I am not acquainted with none of these Dawsons, I guess I am cousin, that is what he told me.

Q Who was your father? A Samuel Riley Dawson.
Q What did you say your father's name was? A Rile Dawson.
Q Do you know what his full name was? A Samuel Riley Dawson.
Q What children had your father? A Why, he has got, you mean His first children or his whole family?
Q I want all of his children? A I don't know, I will have to count a while on them, there was nine or ten of them.
Q Just one or two of them I care for: is Mrs. Lewis your sister?
A Yes, sir.
Q Your full sister? A Yes, sir.
Q Was she a daughter of S. R. Dawson, Jr.? A Yes, sir.
Q How who were the parents of your father, , Samuel Dawson?
A Why Sam Dawson was his father.
Q Sam Dawson was his father? A Yes, sir.
Q What was Sam Dawson's wife, if you know their family history, what your father said or what your grandfather said? A I have heard that she was a Pruitt, my father said, of course I don't know.
Q What was her given name? A Annie.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q Saw him? A Yes, sir.
Q Do you know about how old he was when he died? A He was somewhere up about 90.
Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.
Q Was your father his youngest child? A Yes, sir.
Q D you know about when your father was born? A Well, no, I don't, he died in '90 and he was 67 years old.
Q He died in about '90 and was about 67 years old when he died?
A Yes, sir.
Q And he was the youngest child? A Yes, sir.
Q Now, do you know how many children your grandfather had , that is brothers and sisters of your father? A I heard him say seven.
Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?
A Well, I heard my father speak about it, I don't know that I ever heard my grandmother say anything about it.
Q Well, what did he say about it? A I have heard him say his mother was not an Indian.
Q Did you fathercome here and apply once for citizenship?
A Yes, sir.
Q Was he admitted? A I think not.
Q Did you hear him make any statements about he ground he expected to get in? A He said his brothers had proved their rights here and if his brothers had any rights he did, but I don't know.
Q Well, in that connection didhe say whether his mother was an Indian or white woman? A Never heard him say that his mother was a white woman in speakin about that, I don't know whether he said anything about that or not; I have heard him say his mother wasn't no Indian.

Mr. McKennon: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

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(Taking of testimony continued by Stenographer M. D. Green)

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this cause, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

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(Continued from testimony taken by Steno. J. O. Rosson.)

March 10th, 1902, at Muskogee, I. T.

Appearances:
Mr. A. S. McKennon and Mr. Mellette, attorneys for the applicants,
Mr. W. T. Hutchings, and Mr. W. W. Hastings, attorneys for the Cherokee Nation.

EMMA BRASHIERS, being first duly sworn, and being examined testified as follows:
BY MR. HUTCHINGS:

Q State your name? A Emma Brashiers.
Q What was your maiden name? A Emma Dawson.
Q What was your father's name? A Samuel Riley Dawson.
Q What was his father's name? A Samuel.
Q What was your grandmother's name? So far as you know from family history? A Her maiden name was Annie Pruett.
Q Then your father, if I understand you, was the son of Samuel Dawson and Annie Dawson, nee Pruett? A Yes, sir.
Q Did your father have a brother named Robert, and a brother named James? A Yes, sir; that is what I was told.
Q And had a sister named Mrs. Petty? A Yes, sir.
Q And another one named Mrs. McGee? A Yes, sir.
Q And another brother named John? A Yes, sir.
Q What relation are you to Mrs. A. S. Lewis? A Sister.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q You have a distinct recollection of him? A I, yes, I can remember him, but I was small.
Q About how old were you you suppose when your grandfather died? A About 6.
Q Was your father's birth recorded in the family Bible? A Yes, sir.
Q You know whether your grandfather's record of marriages and deaths were recorded in any Bible or not? A I was, but we haven't it.
Q What became of it? A Got burned.
Q Well, about what year do you remember that your father, Samuel Dawson was born? A I believe it was '83.
Q In 1883? A Yes, sir.
Q And how old was he when he died, if you recollect? A He was between 64 and '7.
Q Did you ever hear your father speak of his relations, his father and mother, as to whether they were white people or Indians? A Yes, sir, they were white people.

Q. You know whether in the family you grandmoth
the name of Annie, always? A Yes, sir.
BY MR. McKEMSON: Applicants object to t
witness because it is wholly irrelevant and

ALEX S. LEWIS, being first duly sworn and be
testified as follows:
BY MR. HUTCHINGS:
Q State your name? A Alex S. Lewis.
Q What is your post-office? A Dawson, Indian T
Q How old are? A 59 years.
Q What was your wife's maiden name? A Elizabet
Q Who was your wife's father and mother? A Sam
R. Dawson and her mother was the wife of Samuel D
want her maiden name?
Q Well, if you know the maiden name of your wife
how you know it? A Well she was called Margaret
was her maiden name.
Q The maiden name now of your wife's father's mo
maiden name of my wife's father's mother?
Q Yes, sir? A From what her husband and my fat
me it was Annie Pruett.
Q What was the name of your wife's father's fathe
grandfather on her father's side, Samuel Dawson.
Q And his wife's maiden name was Annie Pruett? A
Q Did you know the old gentleman, Samuel Dawson,
grandfather? A Yes, sir.
Q Personally? A Yes, sir.
Q What opportunities had you to get acquainted wi
lived with his youngest son, my father-in-law, and
wife and I, after we were married, stayed with us
lived near my father-in-law and we visited very of
Q When did he die? A '74.
Q Have you any particular method of recalling tha
I was away from the house when he was taken sick,
for my wife and myself, and so when I got home my
her father's to see her grandfather, he was sick,
first wife was a baby at that time.
Q And when was your first child born? A He was
Q You know how old you wife's father was when he
was up in 60, but I don't remember his age.
Q Did the old original Samuel Dawson ever tell yo
sir, several times.
Q How old was he at the time of his death? A He
Q Did he ever tell you whether or not his wife An
any sister or brother? A Told me she only had on
Bob Pruett.
Q Have any of the members of the family named the
him? A Make it a little plain, it is a little lo
oldest brother was a particular favorite of his gr
always took this boy with him everywhere, and he h
his,- oldest child for this brother-in-law who was
favorite of his grandfather; now as it for him I un
Q Now, what is his name? A Of course I don't kno
it, but he gave him the name of Robert Pruett, and
it was on account of his grandfather thinking so
Pruett.
Q Did you ever hear the old Samuel Dawson speak of
law? A Yes, sir; I have heard him say that he wis
what had become of Bob Pruett, he never had heard o

time; didn't know where he was, or whether he was alive or not.
Q Now, I want the children of Samuel Dawson and Annie Pruett, how many of them did you know, first? A How many did I know personally?
Q Yes, sir? A John James, and Samuel R. Those were the only ones of his children that I remember personally.
Q Well, remember what you know of the family, what other children did he have? A Well he had two girls, as I understand the family history, he had two girls, first, and John Dawson was the third child, and the oldest boy was John Dawson.
Q Was John Dawson the oldest boy? A Yes, sir.
Q Which was the oldest girl? What is she known by now? A I think it was Mrs. Petty, nee Bettie Dawson.
Q And John Dawson was the oldest boy? A Yes, sir.
Q And Samuel R. Dawson was the youngest boy? A Yes, sir.
Q You know anything about the time John Dawson was born, have you any way of coming at it, the oldest boy? A Yes, sir, I know what the oldest son and his wife told me.
Q What was that? A They said he was born in 1811.
Q Who was his oldest son? A Toliver H. Dawson; told me his father was born in 1811.
Q Do you remember now whether the old man had occasion to say whether his wife, Annie Pruett was an Indian or white woman, or ever said anything about it? A I know what the old man said that she was, I don't know that I ever heard the question approached in that way, I have heard him speak as to her blood, but it was in a different way that he reached it.
Q What blood did he say she was? A Well he said that she was the daughter of Mrs. Pruett, a white woman; and that her father was Captain John Rogers, a white man who lived with the Cherokee Indians, and traded with them.
Q Did he say who Captain John Rogers afterwards married? A Said he had a wife in the Cherokee Nation.
Q But that Annie Pruett was not her child? A No, sir, she was the child of Mrs. Pruett.
Q A white woman? A Yes, sir, that was the half sister of Bob Pruett.

BY MR. McKENNON:

Applicants object to all of the testimony of this witness, because it is wholly incompetent and irrelevant.

Q Did ever you apply for citizenship here? A Yes, sir; for my wife.
Q When? A My father-in-law made the application, I don't know exactly when it was, I think probably about '86, I couldn't say as to the date.
Q Before the Cherokee authorities? A Yes, sir.
Q Did he file an application before the Dawes Commission in 1896 also? A Him.
Q Yes, sir? A I don't think he did, no sir.
Q Did you? A I did.
Q On account of your wife? A Yes, sir.
Q Did you make affidavit to that application? A No, sir.
Q Who did? A I don't know, don't remember now.
Q You applied for your wife as an Indian by blood did you not? A Yes, sir.
Q Are you still an applicant? A No, sir.
Q Is she? A No, sir.
Q She was denied was she? A Yes, sir.
Q Was there an appeal taken from that? A Application was filed if I remember, before the Dawes Commission, and they rejected the case, and then I appealed it to the District Court, and it was rejected there and then I stopped.

Q Have you ever been arrested for any crime? A Yes, sir.
Q What? A Charge of murder.
Q Anything else? A No, sir.
Q Convicted on the train? A Yes, sir.
Q In a train robbery? A Yes, sir, in a train robbery.
Q How long did you remain in jail? A Appealed the case to the Supreme Court, and it was reversed and sent back, and I was acquitted on that charge.
Q That all the crime you were ever charged with? A Yes, sir.
Q Haven't you been having some trouble with the Dawson family?
A Well me personally I have no trouble with any of them, there is one of my boys and one of W. A. Dawson's sons-in-law had some trouble.
Q You are not friendly with the Dawson family? A That son-in-law Mr. Wooley, and myself, don't speak, and I don't think his wife speaks to me either.
Q Well you are claiming some sort of lease on the Wooley farm, aren't you? A No, sir, I don't claim any lease on the Wooley farm.

B. W. ALBERTY, being first duly sworn, and being examined, testified as follows:
BY MR. HUTCHINGS:
Q State your name? A B. W. Alberty.
Q What is your post-office? A Tahlequah.
Q What is your present official position in the Cherokee Nation?
A Assistant Executive Secretary of the Cherokee Nation.
Q As such have you charge of the citizenship records and books etc. of the Nation? A Yes, sir.
Q Have you made search recently for the original records in the various cases of the Dawson family before citizenship courts in Council? A Yes, sir.
Q Have you got what records you found with you? A I find what's supposed to be the original papers in the case, all that I could find. (Produces papers and hands to Nation's attorney.)
Q Where did you find these papers? A I found them in the desk in which papers of that character are filed away in the Executive Office at Tahlequah. (Applicant's attorneys examine papers produced by witness.)

BY MR. HUTCHINGS: The Nation here introduces in evidence an envelope marked No. 108, the names on the back of it are Robert, Elbert, Jasper, John, Frances, Marion, Josephine, Joseph, Jane, Mollie, Wilburn, James, Rial Dawson, versus the Cherokee Nation; the envelope and its contents.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced by the Cherokee Nation is indorsed as follows:

"No.108, Rob. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilburn Dawson, James Dawson, Real Dawson, vs Cherokee Nation, Petition for Citizenship, filed Sept. 24, 1881. Admitted Jan 11th, 1883, D. W. C. Duncan, Clerk."
In pencil: "Robt Dawson."

The said envelope contains a document as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19th, 1888.

No. 108 Robert Dawson, et al.
vs.
Cherokee Nation.

Testimony for Claimants.

Witness:

Mr. Baker sworn testified as follows. My name is Arthur Baker I reside at Berryvill, Arkansas, Carroll County, my age is 73 years, I am not a Cherokee, I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County some thirty five years (line drawn through the last three words.) 35 years at my mother's house near Calhoun I became acquainted with the claimants Robt Dawsons grandmother on mother's side, she was frequently at my mother's house; though she Anna Pruit lived in the Nation side. She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee; the first time she brought the claimant's mother to my mother's house the claimant's mother was about grown, when I was a little boy she called her daughter Polly Rogers said Capt. John Rogers who ran a boat up the river was the father of the child; I saw the girl frequently there at my mother's and there at Louis Rosses Store I saw her occasionally until I was 15 or 16 years old and I think then Old Capt John Rogers took her off to school. I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of Old Samuel Dawson. I stayed all night there and she and I had a talk over our old matters, and I asked her when she became acquainted with Dawson and she said at the time she was going to school, And she said after she left school that Dawson followed her home to the Nation and they were there married. I have told that precisely in the words she used.

Capt John Rogers claimed to be one fourth Cherokee, the claimant is the son of Polly Rogers and I know Polly Rogers to be the daughter of Anna Pruet, and I know the claimant to be the son of Polly Dawson Capt Rogers then resided in the Cherokee Country about twelve miles from Calhoun on the Hiamsna River.

Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawsons when I got acquainted with them Arkansas were recognized where they were as Cherokees, Robt Dawsons children is Buck, John, Marion, and two girls; the children named in the petition I recognize as being the claimants.

Question by Solicitor:
Ques. 1 How many children did Polly Rogers have?
Ans. 1 Five, I think that's all.
Ques. 2 Did you say something about someone being married twice?
Ans. 2 The claimant was married twice.
Ques. 3 Could Anna Pruet speak Cherokee?
Ans. 3 Yes she could speak it well
Ques. 4 Did Polly Rogers speak Cherokee?
Ans. 4 She could when she was young.
Ques. 5 How far did you live from Anna Pruet?
Ans. 5 Just across the river about 3/4 of a mile
Ques. 6 Was Calhoun in the Cherokee Nation
Ans.6 It was on both sides of the river, [illegible] in the Nation and part out in the State.

Ques. 7 Which Harnage was it went to Texas?
Ans. 7 George went first then John went they were the sons of old man Harnage that lived up here near the line.
Ques. 8 Did the claimant go to Texas?
Ans.8 No the claimant didn't go to Texas.
Ques. 9 What connection was claimant and Polly Rogers?
Ans. 9 The claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.
Ques. 10 Where does claimant now live?
Ans. 10 He lives in Carroll County, Arkansas.
Ques. 11 Do you know what relation old Captain John Rogers was to Charlotte Rogers here in Cooweescoowee?
Ans. 11 They claimed kin but what kin I dont know there were two Capt. John Rogers' in the Nation I am speaking of the time when I first came to this 1830 Country about the year 1830.
Ques. 12 Was Anna Pruet the maiden name of Claimant's grandmother
Ans. 12 Yes that was her maiden name the Indians called her Sinee.

his
(signed) Arthur. A. x Baker.
mark

Witness' hand paralyzed is the reason he signs by a mark thus "x". "

The above document is indorsed on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case, Robt," Decided by the Tahlequah Court in 1883. A. Riley Dawsone Step daughter a white woman married a white man, named August Bulaska."

BY MR. HUTCHINGS: We further introduce envelope No. 101, of E. Dawson for his grand-children, versus the Cherokee Nation, and its contents, to-wit: The Petition and affidavit of F. M. Dawson, and the testimony of Joseph Dawson.
(Hands papers referred to to applicant's attorneys.)

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced is endorsed as follows:
"No. [illegible] E. Dawson vs the Cherokee Nation. For his grand children. Petition for citizenship. Filed Sept. 14th, 1883, D. W. C. [illegible], Clerk of Com. Decided Sept.13, to be Cherokees.

The contents of said envelope are as follows:

"Office of Commission on Citizenship.
Tahlequah, Cherokee Nation, Sept. 14, 1883.

E. Dawson,
No. 101. vs for his grand children,-
Lulu Douthett,
Dallas Douthett,

F. M. Dawson for Claimant introduced sworn and in open Court testified as follows:
My name is F. M. Dawson. Am Cherokee by blood reside in the Cherokee Nation am 30 (40 written over it) years old.

I saw the Claimants, Lulu Dauthet and Dallas Dauthet in Vinita, and know them to be the grandchildren of my brother E. Dawson who is a recognized Cherokee by blood. L. M. Dauthet, the father of the Claimants, Lulu and Dallas is a white man Dauthet's wife the mother of Lulu and Dallas was a Cherokee, the daughter of my brother E. Dawson, she is now dead. The elder of these applicants is about 8 years old. I have known them about 6 years. These children is now living with their father. One is a girl and the other is a boy. I had been acquainted with her mother all her life. If she had been now living she would have been about 26 years old - She has been dead about 4 years as well as I can recollect, She was about 17 ye rs old when she was married.

his
(signed) F. M. x Dawson,
mark

Office of Co rmission on Citizenship,
Tahlequah, Cherokee Nation, Sept. 14, 1903.
No.181 E. Dawson
for his grand children
Lulu Dauthett
Dallas Dauthett

Joseph Dawson introduced for Claimants, sworn in open Court testified as follows:

Jos. Dawson, am Cherokee live in the Cherokee Nation, am 31 years old.

Lulu Dauthett and Dallas Dauthett, the Claimants are Ch rokees. Fannie Dawson was their mother. Fannie Dawson was a Cherokee, that is what I was always told. Her father was E. Dawson. E. Dawson was my brother. Mrs. Dauthett is not living now; the last time I saw Lula, and Dallas Dauthett, they were in Texas. But I have heard since that they are in the Cherokee Nation. E. Dawson recognizes them as his grandchildren and I have known them ever since they were born.

By Solicitor:

Lula is about 10 years old. The Dallas is about 5 or 6 years old. I heard that their father is now at Vinita Cherokee Nation, E. Dawson is Elbert Dawson. The applicants' mother has been dead about three or four years. She died at Hillsboro, Texas.

I was now present when their mother and E. Dawson had eight children to the best of my recollection, or 9. Fannie, Francis, Cortemas, Annie, Rob, Smith, Worth, Bert, Ella. All living but two, Fannie and Smith. They are all living in Texas when I left there. I am a brother to F. M. Dawson, we are full brot rs. My father has been admitted to Cherokee Citizenship by this Court.

his
(signed) Joseph x Dawson,
mark

To the Com ission o Citizenship,
Tahlequah, C. N. Sept. 13, 1903.

E. Dawson for grandchildren,
Lulu Dauthett,
Dallas Dauthett,
vs
Cherokee Nation.

Now comes E. Dawson petitioning for the Cherokee rights of his grandchildren, Lulu Dauthett & Dallas Dauthett, by virtue of their Cherokee blood, which was derived from the

Dawson family, who is acknowledged Cherokees by admission of your Hon. Court, at its last session in January, 1883, in view of the facts ask your Hon for a speedy and favorable consideration of our claims.

(signed) R. Dawson for grand children,
By C. H. Taylor."

This last document is indorsed on back as follows: "No. 181, Petition of Lula, Douthett & Dallas Douthitt, for Citizenship Filed Sept 14, 1883, D. W. C. Duncan, Clerk."

BY MR.HUTCHINGS: Now we desire to introduce the judgment in the case of S. R. Dawson, and others, of the Commission on Citizenship, found on page 20, of Record Book B, of the Citizenship cases in the Cherokee Nation, said book having been turned over to and now in the custody of the Commission; the judgment being dated April 26th, 1889.

BY MR. McKENNON: To the introduction of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

Record above introduced is as follows:

"Office of Commission on Citizenship,
Tahlequah, C. N. August 11th, 1887.

Docket No.		Names,	Age	Sex	Post Office,	Attorney
	1	S. R. Dawson,	66		Catoosa,	
	2	Parlee Dawson,	44	female		
307	3	American J. Dawson,	35	"		
	4	Katharine J. Dawson,	33	"		
	5	J. G. Dawson,	31	male		
	6	Elias F. Dawson,	29	"		Bell &
	7	Toliver Dawson,	27	"	Applicant for Cherokee Nation.	Bryant.
	8	Eva Dawson,	20	female		
	9	Fanny Dawson,	18	"		
	10	John Riley Dawson,	11	male	R.	
	11	Robert E. Dawson,	9	"		
	12	Claud Dawson,	7		Ancestor	
	13	Cleveland Dawson,	3		John Rogers	

-- filed August 11th, 1887."

In red ink written along Age column is the following: "Rejected April 26, 1889."

"Now this day comes the above case for final hearing, Samuel R. Dawson, bases his application for readmission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the alleged daughter of Captain John Rogers and Chilsey Pruitt, said to be a half sister of Joseph Vann, commonly known as Rich and who was of Cherokee blood. It is admitted that John Rogers and Chilsey Pruitt died before the roll upon which their names would appear if living at the time and specified in the 7th section of the Act of December 9th, 1886, creating the Commission on Citizenship, were made but in support of the application it is urged that certain members of the Dawson family and full brothers of the applicant were re-admitted to citizenship by the Commission on Citizenship commonly known as

"The Tenee Court", and the "Spears Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which determined the decision of these Commissions of the testimony now introduced to authorize the admission of the present applicants is not relivent to the issue now pending. The 7th section of the Act of December 8th, 1888, before named provides, that the Commission shall give a hearing to any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States," As are hereafter enumerated. Neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission on to citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Jounnah Barber nee Jounnah Dawson and Jane Queen, nee Jane Dawson, and their families, as enumerated in their respecti e applic tions.

(signed) Will P. Ross,
Chairman.

This April 26th, 1889.
(signed) D. L. Williams,
Cl'k Com'n.

(signed) R. Bunch, Commissioner,
John E. Gunter, Com'nr.

BY MR. HUTCHINGS: The Nation now introduces the envelope in the case of James K. P. Dawson, and the contents, being the original testimony in the case of E. Dawson; also the judgment in said case, found on page 116, in book C., containing the records of the Citizenship Commission of the Cherokee Nation, the date of said Judgment being April 26th, 1889; this book being also in the custody of this Commission.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope above introduced is indorsed on back as follows:

"Name, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - Years, - - Roll of 1835, Ancestor, Riley Dawson, filed the 5 day of Oct. 1887, Docket 983, Book C Page 116, Testimony on Journal - - Page - - - Decision of Commission Rejected 26 day of April 1889
Rejected."

The contents of said envelope are as follows:

"A. J. Dawson, et al.,) Office Com. On Citizenship,
(vs) (Tahlequah, I. T. Sept. 27th, 1887.
Cherokee Nation.)

E. Dawson, who being duly sworn, upon his oath, deposes and says as follows, to wit:

I am a citizen of the Cherokee Nation and reside in Coowescoowee Dist. and am 53 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I have known him personally about three (3) years. He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a realtion of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee river in Tenn. I think he had four (4) children. I never saw any of them but Andrew J. Dawson, and Jim Dawson.

-Cross Ex.-

Joe Dawson has been dead about 35 years he lived west of the Mississippi River, I understand. My father had four brothers. I don't know how long Joe Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of my Uncle Joe Dawson, is from what he himself has told me, - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me- My grandfather being a Dawson and a white man.

Attest

Connell Rogers,
Clk. Cor. on Citizenship."

This document is indorsed on back as follows:
"Testimony of E. Dawson in case A. J. Dawson"

The judgment above introduced, and found on page 116 of Book C of the Dockets of Cherokee Citizenship Commission, is as follows:

"James K. P. Dawson,
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind, Ter., Oct. 5, 1897.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	James K. P. Dawson,-		Male		
2	William A. Dawson,				
3	Richard A. Dawson,				

909 C. H. Taylor.

Applicant for
vs. Cherokee Citizenship,
Census Rolls 1835
Ancestor,
Riley Dawson.

Cherokee Nation. "

In red ink along age column are the words: "Rejected April 20, 1899."

- - - - - - - - - - - - - - -

"Adverse to Claimant.
See decision in this case in the book of S. P. Dawson in Book (B) Page 20.
This April 20, 1899.

D. S. Williams,
Clk Com.

Will P. Ross,
Chairman.
J. R. Carter, Com."

BY MR. HUTCHINGS:

The Nation desires to introduce the original envelope and its contents in the case 196, of Rebecca Dawson, being the application and judgment in the case, also the judgment as copied into the record, Book C, on page 144, the date of said judgment being August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope just introduced is indorsed on the back as follows:

"196, 1, Name Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address Emmet, I. T., Age 48 years, 1835, to 1852, Roll of 18-- Ancestor Maton, Filed the 5 day of Oct 1887, Docket 1017 Book C Page 144, Testimony on Journal- Page - - Decision of Commission, Rejected 28 day of August 1889. Submitted by Mr. Rasmus, Aug. 28, 1889." R"

The contents of said envelope are as follows:

"APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship:
Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution, and with an act of the National Council approved December 8th, 1886, creating your Commission, And respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Maton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds for this application for Cherokee citizenship by blood, and respectfully awaits the time when Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 48 years; Postoffice, Emmett, Chic. Na. family with their relationship attached is as follows:

No Name Sex Age Relationship.

In witness of which application I hereto set my hand on this the 4- day of October 1887.

(signed) Rebecca Dawson,

Doudinot & Rasmus,
Attorneys."

- - - - - - - - - - -

"COMMISSION ON CITIZENSHIP.
Cherokee Nation, Ind. Ter.
Tahlequah, August 28th, 1889.

Rebecca Dawson)
V. S.
Cherokee Nation.) The above case was called and submitted by

Rasmus without evidence the Commission decide that Rebecca Dawson, Age 48 yrs is not a Cherokee by blood & d ere not entitled to citizenship in the Cherokeenation Post Office Emmet Ind. - - I. T.

(signed) WILL P. ROSS,
Chairman,
J. E. Gunter, Com."

- - - - - - -

The judgment found in Book C, Records of Commission on Citizenship, Cherokee Nation, Page 144, is as follows:

"Rebecca Dawson,
OFFICE COMMISSION ON CITIZENSHIP,
Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No	Names	Age	Sex	Post Office Attorney.
1	Rebecca Dawson	48	female	Emmett, I. T.

1017

Boudinot & R.
Applicant for
Cherokee Citizenship.

Census Rolls, 1835,
to 1852.
Ancestor,
Moton.

V. S.
Cherokee Nation.

- - - - - - -

Office Commission Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug. 28th, 1889.

The above case was called and submitted by Attorney Rasmus without evidence. The Commission decide that Rebecca Dawson, aged 48 years is not a Cherokee by blood and not entitled to Citizenship in the Cherokee Nation.

Attest:
E. C. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J.E. Gunter, Com."

BY MR. HUTCHINGS: The Nat on next introduces the original envelope and contents in the case 198, of Mary Dawson, the contents being the application for citizenship, and the judgmeny as written up by the Court; also the judgment of the Court as copied in Book C, Page 145,- said judgment being rendered August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced is indorsed on back as follows:

"198, 2, Name, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Bowie, Texas, Aged 54, years, 1835 to 1852 Roll of 18- Ancestor, Moton, Filed the — day of 0 18— Docket 1018, Book C Page 145, Testimony on Journal— Page— Decision of Commission Rejected 28th day of August 1889. Submitted by Mr. Rasmus, Aug, 28, 1889."

"APPLICATION FOR CITIZENSHIP".

To the Honorable Commission on Citizenship:

Gentlemen:- The undersigned, your petitioner, this day makes this her Application for re-admission to citizenship in the Cherokee Nation in accordance with the Constitution, and with an Act of the National Council, approved December 8th, 1836, creating your Commission. And respectfully makes the following statement of the grounds of this her Application, to-wit:

That Mary Dawson is the Grand Daughter of one Moton who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-40 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds of this her application for Cherokee Citizenship by blood, and respectfully awaits the time when her Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 54, years; Postoffice, Bowie, Texas, family with their relationship attached as follows;

No.	Name	Sex	Age	Relationship.
1	Walter Dawson	M	13	Son.

In witness of which application I hereunto set my hand on this the 4 day of October 1887.

Mary Dawson,

Rowlinet & Reagus,
Attorneys."

- - - - - - -

COMMISSION CITIZENSHIP,
Cherokee Nation, Ind. Ter.,
Tahlequah, August 30th, 1889.

Mary Dawson,
vs
The Cherokee Nation } Application for Cherokee Citizenship,

The above named case having been submitted by W. F. Reagus, Attorney for claimant, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 13 yrs, are not of Cherokee blood, P. O. Bowie, Texas,

Wm P. Ross,
Chairman,
J. E. Carter, Com."

- - - - - - -

Said envelope also contains the following:

APPLICATION FOR CITIZENSHIP
TO THE HONORABLE COMMISSION ON CITIZENSHIP; Gentlemen:- The undersigned, your petitioner, this day makes this his application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an act of the National Council, approved December 8th, 1886, creating your Commission, And, respectfully makes the following statement of the grounds of this his application, to-wit: That James K. P. Dawson is the son of one Riley Dawson who the undersigned firmly believes was duly enrolled upon the - - - Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1835, the undersigned hereby presents the above facts as the lawful grounds for this his application as Cherokee Citizen by blood, and respectfully awaits the time when his application shall be truly heard and tried

in accordance with the aforesaid law.
Age [illegible] years; Post-office [illegible] family with their relationship attached is as follows:

Names,	Sex	Age	Relationship.
William A. Dawson	male		Son.
Richard A. Dawson,	"		"

In witness of which application I hereto set my hand on this the 4th day of Oct 1887.

(signed) James K. P. Dawson,

C. H. Taylor, Attorney."

- - - - - -

The judgment as recorded in Book C, page 145, of the records of the Cherokee Commission on Citizenship, is as follows:

"Mary Dawson,

Office of Commission Citizenship.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	Mary Dawson,	54	female	Bowie, Texas.	
2	Walter Dawson,	18	male		

Boudinot & R.
Applicant for
Cherokee Citizenship.

vs.

Cherokee Nation.

Census Rolls 1835 to 1853
Ancestor
- - - - - -

Office Commission on Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug 20th, 1889.

The above case having been submitted by W. P. Ross, attorney for claimant, without evidence, the Commission decide that Mary Dawson aged 54 years, and her son Walter Dawson aged 18 years are not of Cherokee blood. Post office Bowie Texas.

Attest:

E. C. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J. B. Gunter, Com."

- - - -

BY MR. HUTCHINGS: The Nation further introduces the original envelope in the case of Andrew J. Dawson, which said envelope contains his original application; also the judgment in that case recorded on page 38, of Book A, of the records of the Citizenship Commission of the Cherokee Nation, which said records are now in the custody of the Commission: the judgment is dated April 20th, 1888.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced above, is endorsed as follows:

"Name, Andrew J. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Nevada, Mo. Age 44 years, - - 1835, Roll of 1835, Ancestor, - - Filed this 11 day of February 1887, Docket 37 Book A, Page 38 Testimony on Journal - - Page, Decision of Commission, REjected, 26 day of April, 1889, Rejected."

The contents of said envelope are as follows:

"To the Commission on Citizenship.

Tahlequah, I. T.,
January 27, 1887.

	Age		
Andrew J. Dawson,	44	years	Male
E. E. Dawson,	16	"	"
Olive M. Dawson,	14	"	female
William H. Dawson,	11	"	male
Jessy K. Dawson,	9	"	"
Glennie D. Dawson,	8	"	female.

V.S.
Cherokee Nation.

Know comes Andrew J. Dawson, and five children claiming his right to Cherokee Citizenship by virtue of his Cherokee blood, he being a cousin of E. Dawson ad others of the same name admitted to Citizenship by the Tom Tehee Court on Citizenship, which is a matter of record, we submit that as proof of the Justness of his claim, him ancestors will be found on the roll of 1835.

Respectfully,

Post-office, (signed) A. J. Dawson &
Nevada, Mo. five children,
by C. H. Taylor,
Attorney."

The judgment just introduced and found on page 38 of Book A, Records of Cherokee Commission on Citizenship, is as follows:

"Andrew J. Dawson,
Office Commission Citizenship,
Tahlequah, C. N., Feby 11, 1887.

Docket No	Family	Name	Age	Sex	
	1	Andrew J. Dawson,	44	Male	Nevada, Mo.
	2	E. E. Dawson,	16	"	
37	3	Olive M. Dawson,	14	female	
	4	William H. Dawson,	11	Male	Applicants for
	5	Jessie K. Dawson,	9	"	Cherokee Citizenship,
	6	Glennie D. Dawson,	8	female	C. H. Taylor.

Rolls 1835,

Rejected April 26, 1889, (red ink.)

V.S.
Cherokee Nation.

Filed Feby 11, 1897. Ancestors,

Adverse.

See decision in this case in that of L. R. Dawson, Book P.80.
rendered April 26- 1889.
D. S. Williams,
Clk Com."

BY MR. HUTCHINGS: We next desire to introduce the records in the case of the same Andrew J. Dawson, before the Commission to the Five Civilized Tribes, filed September 7th, 1896, and the judgment of the Commission thereon. Number of said case being 4,694. And the judgment of said case on Page 294, Book B., Dawes Commission Record, 1896. Judgment was rendered November 17th, 1896, denying the application.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The records just introduced, being those filed before Dawes Commission, 1896, in Andrew J. Dawson, et al., are as follows:

Registry Receipt,
Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind Ter., Registered Letter, No. 409, Rec'd, of A. J. DAWSON, addressed to S. H. Mayes, Tahlequah, I. T., (signed) D. A. Frayser, L.-P. M.

"Commission to the Five Civilized Tribes,
Vinita, Ind. Ter., Sept. 7, 1896.

See that you swear to your petition.

Evidence of service of copies of Chief or Governor may be secured as follows: If convenient get his receipt to file with your papers. If you cannot do this, register to him, and have some interested person to make affidavit in form about as follows:

I, S. H. Davidson, do solemnly swear that on the 7th day of September, 1896, I saw a package registered at the Post office at Vinita, Indian Territory, addressed to Hon. S. H. Mayes, Chief of the Cherokee Nation, Tahlequah, Ind. Ter., the registry receipt no.409, received from postmaster, hereto attached, in a receipt to said package, which contained two copies of the application of Andrew J. Dawson, and of the affidavits of E. Dawson and F. H. Dawson in support of same.

(signed) S. H. Davidson.

Subscribed and sworn to before me, on this 7th day of September, 1896.
(seal)

(signed) W. H. Kornegay,

Notary Public, First Judicial Division, of the Indian Territory.

Attach receipt to this affidavit and send with papers to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, as we understand that packages are not promptly receipted for by the Chiefs and Governors.

xxx _____
For the Commission."

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:-

The undersigned, your petitioner, Andrew J. Dawson. ~~William H. T. Dawson Jesse K. D.~~ (Line in ink drawn through these names) for and on behalf of Nonnie E. E. Dawson, Olive Maud Dawson, William H. T. Dawson, Jesse K. Dawson, Glen Dale Dawson, James K. P. Dawson, William A. Dawson, Maggie E. Dawson, Richard A. Dawson and Mary E. Dawson and heirs, this day make their application to you for the purpose being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the funds and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokee Indians by blood, deriving the same from Captain John Rogers, Polly Rogers, Daughter of Captain John Rogers, married Samuel Dawson, whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the years 1817, 1818, 1819 and 1835 & 1838 the same to be submitted to your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his proof in support of said claim, and respectfully awaits the time when his application shall be heard and tried.

Respectfully submitted,
Andrew J. Dawson,

Enrollment of family, with relationship attached, as follows:

Names.	Ages.	Relationship.
Minnie E. E. Dawson,	25	Daughter,
Olive Maud Dawson,	23	daughter
William H. T. Dawson,	20	son,
Jesse K. Dawson,	18	son.
Glen Dale Dawson,	16	daughter.
James K. P. Dawson,	7	brother.
William A. Dawson,	18	Nephew.
Maggie E. Dawson,	3	Neice.
Richard A. Dawson,	17	Nephew.
Mary E. Dawson,	5	Neice.

IN WITNESS WHEREOF, I hereunto set my hand this [illegible] day of [illegible] 1896.

(signed) Andrew J. Dawson."

Docket on back of foi owing:

United States of America,
Indian Territory,
Northern District.

Andrew J. Dawson, of lawful age, being duly sworn on his oath says that he knows the facts set forth in the above and foregoing application and that the same are true as he verily believes.

(signed) Andrew J. Dawson,

Subscribed and sworn to before me on this the 3rd day of September 1896.

(signed) J. A. Tillotson,
Notary Public.

(Seal)
My Commission expires June 8th 1899.

Indian Territory,
Northern Judicial Dis- } ss.
trict

Andrew J. Dawson, of lawful age, being by me first duly sworn on oath says that he is 52 years old that his post office address is Afton, I. T. Affidavit further says that he is a citizen of the Cherokee Nation and a Cherokee Indian by blood deriving his Indian blood from Polly Rogers daughter of Captain John Rogers, that Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Hiwathia river while emigrating to the west.

Affidavit further says that Samuel Dawson and Polly Rogers are his Grandfather and Grandmother and that Captain John Rogers was recognized by the National Council of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation of 1852 as follows: An act of the Council of 1842 page 88, an act of Nov. 17th 1843, page 96, also an act of Nov. 16 1849 page 304.

Affidavit further says that he is a blood relation of E. Dawson, F. M. Dawson, Joseph Dawson, and John Dawson who were admitted to citizenship by the Cherokee Nation and whose names appear upon the authenticated rolls of 1893.

(signed) Andrew J. Dawson.

Subscribed and sworn to before me this 3rd day of September A. D. 1896.

(signed) J. A. Tillotson,
Notary Public.

(Seal)
My Commission expires June 8th 1899."

"Indian Territory,
Judicial Dist. } S.S.

F. M. Dawson, of lawful age, being by me first duly sworn on oath says that he is 54 years old; that his post office address is Afton, Indian Territory, Affidavit further says I have known Andrew J. Dawson for the past 10 years and have known him and recognized him as a Cherokee Indian and a cousin of mine, he claims to have originated from the family of Joe Dawson and he says that his father Robert Dawson my father, and he being an affidavit of [illegible] who married Polly Rogers, a daughter of [illegible], who was a recognized Cherokee Indian.

(signed) F. M. his x Dawson mark

Subscribed and sworn to before me this the 4th day of Sept 1896."

(signed) Frank L. Sharp
Notary Public. (Seal)"

- - - - - - -

"Ind Ter
Northern Dist

This affidavit made this 4th day of Sept 1896 by E. Dawson of this Dist in the Cherokee Nation I have known A. J. Dawson 10 years and have known him and recognized him as a Cherokee Ind and a cousin of mine, he claims to originate from the family of Joe Dawson and he was a brother of Robert Dawson and being an ofspring of Sam Dawson who was (line in ink drawn through word was)married Pollie Rogers a daughter of Captain John Rogers who was a recognized Cherokee Indian.

(signed) E. Dawson.

Subscribed and sworn to before me this 4th day of Sept 1896.
(signed) J. Barricklaw,
Notary Public,
My commission expires June 8, 1899.
(Seal)"

Indorsed on back: "No. 1509, A. J. Dawson vs Cherokee Nation Filed Sept 7-1896 A. S. McKennon, Com'r."

- - - - - - -

Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennan, T. B. Cabaniss, A. B. Montgomery, Commissioners.
In the matter of the application of
Andrew J. Dawson, Nation's No.....
Commission's No.....
for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy.

2nd. That the application does not state facts sufficient if true, to show that the applicant . . . entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that John Rogers through whom the petitioner claims to derive right to citizenship in the Cherokee Nation, is not now, - . . and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory, as at present located and defined; that his name does not appear on any of the authenticated rolls of said nation; that neither nor any of his ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

Sic. Case Nation's No. 1575.

Having fully answered, your respondent asks to be hence dismissed.

W. H. Mayes, Principal Chief Cherokee Nation.

B. Hutchings, Hastings & Pendleton, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answers are true, to the best of his knowledge and belief.

(signed) John L. Adair,

Subscribed and sworn to before me this the 3 th of Oct 1896.

(signed) D. J. Ball,
Notary Public.

(Seal)"

Indorsed as follows: "Nation's No. 4679.
Commission's No. 4694, In re application of Andrew J. Dawson, DEMURRER AND ANSWER. Filed Oct 21 H. M. Jacoway, Sec."

The foregoing documents, comprising the 1896 papers as above set forth, are inclosed in envelope indorsed:

"No. 4694, Petition of Andrew J. Dawson, and heirs, Cherokee, 9-7-96. Rejected."

Which envelope is inclosed in jacket, marked "No.4694."

- - - - - - -

BY MR. HUTCHINGS: Now we desire to introduce the records in the case of Joanna Barber, et als., No. 1864, the United States Court number being 80, and the Nation desires to call especial attention to the testimony of W. C. Rogers and Sarah Carter as set forth in this case.

BY MR. McKENNON: To all of which applicants object, because it is wholly irrelevant, immaterial and incompetent.

Records in said case are as follows:

blood is shown by proof here-
with filed.

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners authorized by an act of Congress of June 1, 1898, to hear and determine claims for Citizenship in the Cherokee Nation:

Gentlemen:- The undersigned, your petitioner, Joanah Barber, for and on behalf of herself and heirs, this day makes this their application to you for the purpose of being placed on the revised roll of Cherokee Indians and of those entitled to

share in the distribution of funds and allotments of land in Cherokee Nation, by virtue of their Cherokee blood, and I herewith submit the affidavits of E. Dawson, S. F. Dawson, F. A. Dawson & F. M. Dawson in support of said claim, and respectfully await the time when our application shall be heard and tried.

Respectfully submitted,
(signed) Joanah Barber.

Enrollment of family, with relationship attached, as follows:

Names	Age	Relationship.
Joanah Barber,	60	Daughter of Elizabeth or Betsy
Isaac J. " Husbd	65	Petty, nee Dawson, who was a
Onis B. "	26	daughter of Polly Dawson, nee
Wm. R. "	24	Rogers who was a daughter of
James E. "	18	Capt Jno Rogers and Ailey Rogers
Johny "	6	nee Vann a Cherokee Indian by
Joel A. Barber	39	blood as is shown by proof here-with filed.

In witness of which I hereto set my hand on this 6 day of August 1896.

(Signed) Joanah Barber."

Indorsed as follows: "Pd 2.50 No.... Petition of Joanah Barber for and on behalf of herself and heirs."

TO THE HONORABLE HENRY L. DAWES AND OTHERS COMPOSING THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitioner, Joanah Barber, would state and show from the proof submitted to the Commission that she is a Cherokee by descent and by blood having been born in Carroll County, State of Ark. on the 5 day of Dec 1836. My fathers name was John Petty. My mothers name was Elizabeth Petty, nee Dawson. That I now reside in the Cherokee Nation, and have resided there for 10 years. And she avers these facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe. And she further avers that these facts being proved she is entitled to be adjudged under the laws of such Nation and the laws of the Congress of the United States and the treaties of such Nation with the United States, a citizen of such Nation, with all the rights, privileges and protection of citizenship in such Nation. Wherefore she herewith respectfully submit to the consideration of the Honorable Commission such proof and on the hearing she be adjudged entitled to such citizenship and her name be placed upon the proper roll as a citizen of such Nation.

(signature) Joanah Barber.

INDIAN TERRITORY,)
(SS
FIRST JUDICIAL DIVIS)

Now on this 6 day of Aug personally appeared before me, J. Watts a Notary Public in and for the Ter'y, Joanah Barber, who being duly sworn upon his oath states that the facts set forth in the foregoing petition are correct and true.

Subscribed and sworn to before me this 6 day of August 1896.

(Seal)" (Signed) W. J. Petts,
Notary Public.

"(COPY)
In the matter of the claim of Joanah Barber nee Joanah Petty to Cherokee Indian Citizenship in the Cherokee Nation, Indian territory.

Affidavit of S. R. Dawson.

Delaware District,
Cherokee Nation,
First Judicial Division,
U.S. Court, Indian Territory. } SS

S. R. Dawson, to me well known to be a liable and respectable, after being duly sworn according to law states on oath, that he is a bona-fide citizen of the Cherokee Nation by blood- that he is a resident of said Nation- that his post-office address is Afton, I. T.; that he is fifty-one years of age- that he is well acquainted with the claimant Joanah Barber and has as long as he has known any person- that she is of Cherokee Indian descent- that her maiden name was Joanah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of Polly Rogers, a person of Cherokee Indian descent, who intermarried with Samuel Dawson, a white man- that he said Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann both well known Cherokee Indians.

Affiant is not directly nor indirectly interested in the result of this application.

(Impress of National Seal) (signed) S. R. Dawson.

Subscribed & Sworn to before Jany 6 1892
(signed) W. J. Pettes,
Notary Public."

"United States of America,
Indian Territory, } ss
First Judicial Division.

I, William P. Rawlus, a Notary Public within and for the Judicial Division aforenamed, do hereby certify that the next above in the within one page of an affidavit is a true and literal copy of the original as presented to me at Tahlequah, Ind. Terry, this the Third day of July A.D. 1893.

(signed) William P. Rawlus,
Notary Public, First Judicial Division, Indian Territory.
(Seal) My Commission expires Feby 3, 1897."

(A copy)

In the matter of the claim of Joanah Barber (nee Joanah Petty,

to Cherokee Indian Citizenship in the Cherokee Nation, Ind Ter.

Affidavit of E. Dawson.

Coowescoowee District, }
Cherokee Nation, }
First Judicial Division, } ss
U. S. Court, Ind. Ter. }

E. Dawson, to me well known to be reliable and responsible after being duly sworn according to law states on oath that he is a Benified citizen of the Cherokee Nation by blood- that he is a resident in said Nation that his post office address is Tahlequah, Ind Ter.-that he is 58 years of age- that he is well acquainted with the claimant Joonah Barber and has been as long as he has known any person- that she is a person of Cherokee Indian descent the her maiden name was Joonah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of one Polly Rogers a person of Cherokee descent, who intermarried with Samuel Dawson, a white man, that the said Polly Rogers was the daughter of Captain John Rogers a well known Cherokee Indian.

Affiant is not directly nor indirectly interested in the result of this application.

(signed) E. Dawson.

Subscribed and sworn to before me this the 24th day of Febry 1893

(signed) A. E. Williams,
Notary Public.

(Impress of
National Seal
here.)
Com. Expe. Sept. 26/96.

United States of American,
Indian Territory, } S S
First Judicial Division.

I, William F. Ramsus, a Notary Public within and for the First Judicial Division, Indian Territory, do hereby certify that the next above and the within one page of an affidavit is a true and literal copy of the original presented to me at Tahlequah, Ind Ter. this the third day of July A.D.1893.

(signed) Wm. F. Ramsus.

(Seal) Notary Public, first Judicial Division: Indian Territory; My Commission expires Febry 3, 1897.)

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United States of America,
Western District of Arkansas. - SS.

In the case of one Joonah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William F. Ramsus, a Commissioner U. S. Court within and for the District aforesaid duly authorized to administer oaths W. A. Dawson, to me personally well known to be reliable and entitled to credit, and who being by me first duly sworn according to law deposes and

and says: My name is W. A. Dawson, my age is 62; color; my post-office address Tulsa, Ind. Terry. I am a farmer by occupation, I am a citizen of the Cherokee Nation, I. T. by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: That he is personally well acquainted with the claimant, Joanah Barber- whose mothers name was Elizabeth (commonly called Betty) Petty, Dec'd nee Elizabeth Dawson, - a Cherokee Indian by blood, and who was the sister of his father; James Dawson, Dec'd, a recognized and acknowledged Cherokee Indian by blood- she was also a sister of Robert Dawson Dec'd a recognized and acknowledged Cherokee Indian by blood- said Robert Dawson having been a full brother to said James Dawson- that therefore the said claimant, Joanah Barber is his (affiant's) first cousin by Cherokee Indian blood and that he so recognized and acknowledged her.

(signed) W. A. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry this third day of December A.D.1904.

(signed) W. J. Keaton,
(seal) United States Commissioner."

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"UNITED STATES OF AMERICA.)
Western District of Arkansas.)ss

In the case of Joanah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian Authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William J. Keaton, a Commissioner of the U. S. Dist. Court within and for the District aforenamed duly authorized to administer oaths in said W. Dawson, to be made personally well known to be reputable and entitled to - - and who - - duly sworn according to law deposes and says: My name is Francis M. Dawson my age is about 57 years, my post-office address is Afton, Ind. Terry, I am a farmer by occupation, I am a citizen of the Cherokee Nation, by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: I am personally well acquainted with the claimant Joanah Barber, whose mother's name was Elizabeth (commonly called "Betty") Petty, nee Elizabeth Dawson, a full Indian by blood, said Elizabeth Petty was a full sister of my father Robert Dawson Dec'd, a Cherokee Indian by blood- and I acknowledge the relationship by Cherokee Indian blood of Joanah Barber to me as first cousin- and I know that the said Joanah Barber therefore is of Cherokee Indian blood.

(signed) F. M. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Ter. this 17th day of November A.D.1903.

(seal) (signed) W. J. Keaton,
United States Commissioner.

Indorsed on back as follows: "No. 1 filed Feb 24 1904, Jas. A. Winston, Clerk."

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Page 20, Docket "B"
Joannah Barber,
Office Commission on Citizenship,
Tahlequah, C. N. August, 1907.

Docket, No.	Names	Age,	Sex.	Post Office.	Atty.
1	Joannah Barber	61	female	Vinita, I. T.	
2	Ailey J. Barber	34	female		
3	Irena Barber	24	female		
4	Erma Barber	22	female		
5	Atia Barber	20	female		
6	Mary Barber	13	female	applicant for	
7	Onice Barber	17	female	Cherokee Citizenship	
8	Joel Barber	31	male	Rolla 1835	
9	Calaway Barber	87	male		
10	Toliver Barber	36	male	Ancestor	
11	Riley Barber	15	male		
12	Edgar Barber	9	male		
	W.S.			John Rogers &	
	Filed Aug. 12, 1907.			Alcy Pruett	

See decision this case in that of L. R. Dawson, adverse to claimant in this Book page 20.
This April 20th, 1909.
E. S. Williams, Clerk com.
Fill. P. Ross, Chairman,
J. E. Gunter, Com."

"S. R. Dawson.
Office Commission on Citizenship,
Tahlequah, C. N. Aug. 11th, 1907.

Docket, No.	Names.	Age.	Sex.	Post Office	Atty.
1	S. R. Dawson,	60		Catoosa, I. T.	
2	Parlee Dawson,	44	female		
3	American J. Dawson,	35	female		
4	Katherine J. "	35	female		
5	J. C. Dawson,	31	male		
6	Elias P. Dawson,	29	male		
7	Toliver Dawson,	27	male	Applicant for	
8	Erma Dawson,	20	female	Cherokee	
9	Fanny Dawson,	18	female	Nation	
10	John Riley Dawson	11	male		
11	Robt. L. Dawson,	9	male	R	
12	Clara Dawson,	7	female		
13	Cleveland Dawson	3		Ancestor	
	Filed Aug. 11, 1907.			John Rogers	

Rejected April 20, 1909.

Now this day comes the above case for final hearing, Samuel R. Dawson bases his application for re-admission to Citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson, a White man, Polly Rogers, the alleged daughter of Captain John Rogers, and Chilsey Pruett said to be half sister of Joseph Vann commonly known as rich and who were of Cherokee blood. It is admitted that John Rogers

Chilsey Proctt died before the rolls upon which their names would appear if living at the time, and specified in the 7th Section of the Act of December 8th, 1898, creating the Commission on Citizenship were made, but in support of the application it is urged that certain members of the Dawson family the full brothers of the applicant were admitted to citizenship by the Commission on Citizenship commonly known as the "Tehee Court" and "Spears Court" and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the consideration which determined the decisions of those Commissions on the testimony now introduced to authorize the admission of the present applicant is not relevant to the issue now pending. The 7th Section of the Act of December 8th, 1898, hereinbefore named provides that the Commission hearing to any person applying for citizenship in the Cherokee Nation upon the grounds of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States, hereinafter enumerated, neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls, the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission of citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Joannah Barber, nee Joannah Dawson, and Jane Queen, nee Jane Dawson and their families as enumerated in their respective applications.

Will. P. Rose, Chairman,
F. Bunch, Commissioner,
John E. Hunter, Commissioner.

This April 26th, 1899,
D. S. Williams, Clerk Com."

- - - - - - -

United States of America,)
Indian Territory, (ss.
Northern District.)

W. C. Rogers being duly sworn on oath deposes and says: that he is a citizen and resident of the Cherokee Nation, Indian Territory. That his post-office address is Skiatook, Ind. Ter. that he was born and raised in the above said Nation and Territory; that he is 46 years of age:

Affiant further states that he is slightly acquainted with Irena J. House, an applicant for admission to citizenship in the Cherokee Nation as shown by copy of her application.

Affiant further states that his father's name was Charlie Rogers who was a son of Captain John Rogers and the said Capt. John Rogers was the only man of that name that ever lived in the Cherokee Nation that this affiant ever heard of; that the said Capt. John Rogers this affiants grandfather lived at Grand Saline, I. T. and died in Washington, D. C.

This affiant states that his father Charlie Rogers was one of five brothers viz. Synthia Rogers, Lewis Rogers, George Rogers, Nelson Rogers, Granville Rogers and Randolph Rogers; that he (this affiant) was well and personally acquainted with the above said parties except Granville and Randolph Rogers, who were killed when this affiant was quite young.

This affiant further states that he was 24 years of age, when his father, Charlie Rogers died, that his father never had any other [illegible] or sisters than the ones above mentioned, that said Polly Rogers named in the application for citizenship of Irene Fields, was not a sister of his father's, that his father never had any one sister viz. Cynthia Rogers Crum, this affiant ever heard of, I at this affiant was well acquainted with his aunt Cynthia Crum."

Just here the following is inserted on separate paper:

"EXECUTIVE DEPARTMENT OF
CHEROKEE NATION. I, John L. Adair, Executive Secretary of the Cherokee Nation, do hereby certify that I have compared the foregoing with the original record in this Department, and that the same are correct copies and transcripts therefrom.

In witness whereof I have hereunto set my hand and affixed the Great Seal of said Cherokee Nation, at Tahlequah, this, the 5th day of Feb. 1896.

(signed) John L. Adair,
(Seal) Executive Secretary."

Then the above affidavit continues:

"(nee) Rogers that she lived with this affiant's father for a number of years prior to here death.

Affiant states that he has often talked with his father, Charlie Rogers of his aunt Cynthia Crum (nee Rogers) about his relatives; that they never spoke of any other sister in their family; that this affiant was about 20 years of age when his aunt, Cynthia Crum died: that they told him there never was (words "never was" marked over with ink) father never had any other daughter or daughter other than Cynthia Rogers

Affiant states that his father told him a number of times, that this affiants grandfather Capt John Rogers never had any other family other than the one above mentioned; that this affiant never heard his father Charlie Rogers or any of his relatives speak of his grandfather Capt John Rogers coming or moving about on any river.

Affiant states his father Charlie Rogers was born on Big Mulberry, South-east of Van Buren, Arkansas, in the year of 1817.

Further affiant saith not.

W. . Rogers.

Subscribed and sworn to before me on this the first day of October, 1896.

(signed) William M. Hall,
Notary Public.
(seal) My Commission expires January 16th, 1900."

United States of America,
Indian Territory,
Northern District. } ss

Now, [illegible] before me first duly sworn states, that she is [illegible] a citizen and resident of the Cherokee Nation, Ind. Ter. and her post office address is Vinita, I. T., that she is 47 years of age.

[illegible] that her stand either in her own behalf or in behalf of her husband, John Rogers, [illegible] Court [illegible] in the matter, and that she has read the foregoing petition of [illegible] Rogers, [illegible] the contents thereof, and that the facts therein set forth are true as she verily believes.

(Signed) [illegible]

Subscribed and sworn to before me this the 23rd day of October, 1899.

[illegible] B. Hall,
Notary Public.

My Commission expires January 11th 1900.
[Seal]

- - - -

Endorsed on back as follows: " 1894 SC Nations Jos. 157", Commission's No. ---. In re application of No 8 Joanna Barber Demurrer and Answer. Filed Mar 15 1897 Jno. A. Pinkton, Clerk/ ---Filed, Dec 7 1897 T. M. Jacoway, Secy."

"Brief.

BEFORE THE HONORABLE COMMISSION OF THE UNITED STATES OF AMERICA,

Duly appointed and empowered to Act, under and by virtue of the Act of Congress of June 4th 1896, to hear and determine all claims for citizenship in the Five Civilized Tribes of Indians, to-wit:

Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians.

In the matter of the application for citizenship in the Cherokee Nation, of Joanna Barber and her children, to-wit:

Onie E. Barber, Willie M. Barber, James E. Barber, Johnnie Barber and Joel A. Barber.

In the matter of the application for citizenship in the Cherokee Nation of Joel A. Barber and his children, to-wit: Mattie Barber, Oliver Barber, George A. Barber, Frederic O. Barber, Jesse Barber and Ethel Barber.

In the matter of the application for Citizenship in the Cherokee Nation of Mary A. Boner and her child, to-wit: Inez Boner.

In the matter of the application for citizenship in the Cherokee Nation of Ella L. Murphy and her child, to-wit: Claude M. Murphy.

In the matter of the application for Citizenship in the Cherokee Nation of Ella Moore and her children, to-wit: Anna J. Moore, Jackson D. Moore, Rhemby Moore and Gladys Moore.

In the matter of the application for Citizenship in the Cherokee Nation of Attie L. Hunt and her child, to-wit: Herman Hunt.

In the matter of the application for Citizenship in the Cherokee Nation of Alcey J. Swart and her children, to-wit: Georgia A. Swart and Mary M. Swart.

In the matter of the application for Citizenship in the Cherokee Nation of Josiah J. Garlinghouse and her children, to-wit: Myrtle O. Garlinghouse, Cora L. Garlinghouse and Martha M. Garlinghouse.

In order that the Honorable Commission may clearly and fully understand the proof and merits of the Claim of the aforesaid Claimants, we deem it necessary to present to the Honorable Commission, the genealogy of each of said Claimants, to-wit:

Joanna Barber, whose maiden name was Joanna Potts, is a daughter of Elizabeth Potts, nee Dawson, a full blood Cherokee Indian woman, Polly Dawson, nee Rogers and a white man by the name of Dawson, John Rogers, who was a Cherokee Indian by blood as directly the proof herein submitted.

Joel A. Barber is a son of Joanna Barber, nee Petty and grand son of Elizabeth Petty, nee Dawson and a great grand son of Polly Dawson nee Rogers and a great great grand son of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted. Mary A. Berer, whose maiden name was Mary A. Barber, is a daughter of Joanna Barber and grand daughter of Elizabeth Petty, nee Dawson and great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Ella Murphy, whose maiden name was Ella Barber, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabethe Petty, nee Dawson and a great great grand daughter of Polly Dawson nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Ella Moore, whose maiden name was Ella Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof.

Attie L. Hunt, whose maiden name was Attie L. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blodd, as shown by the submitted proof.

Alcey J. Smart, whose maiden name was Alcey J. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson, and a great grand daughter of Polly Dawson, nee Rogers, and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joanna J. Carlinghouse, whose maiden name was Joanna J. Smart, is a daughter of Alcey J. Smart, nee Barber, and a grand daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, nee Rogers, and a great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Therefore, the Claimants pray the Honorable Commission, that after a careful examination of their application and an impartial investigation of the proof herein submitted, you will adjudge each of said Claimants, together with their aforementioned Children, entitled to citizenship in the Cherokee Nation, and that you place the name of each Claimant, to-gether with the names of their aforementioned Children, upon the Cherokee roll, and that you grant to them all the rights, privileges and immunities of citizens of the said Cherokee Nation.

(signed) Hubbard, Carlond & Watts,
Council for Petitioners.

Indorsed on back as follows: "No 4 Filed Feb 24 1897 Jno. A. Finston, Clerk."

Commissioners,
Henry L. Dawes, Frank C. Armstrong, Archibald S. Mckennon, Theodore H. Cabaniss, Alexander B. Montgomery—H. M. Jacoway, Secretary.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,
Vinita, Indian Territory, Oct 2, 1896.

Joanna Barber, Filed Sept. 8, Answer Filed,
vs. Application denied.
Cherokee Nation.

I, H. M. Jacoway, Jr., Secretary, do hereby certify that the above and foregoing is a true and correct copy of Cherokee Record A, page 257 of the Commission to the Five Civilized Tribes.

Given under my hand and official signature this the 13th day of Feb. 1897.

H. M. Jacoway, Jr.,
Secretary."

Indorsed as follows: "1864 No. 4 Filed Feb 24 1897 Jno. A. Finston, Clerk."

"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Joanna Barber et al,
vs.
Cherokee Nation. No.1864.

AFFIDAVIT FOR APPEAL.

Now comes the said Joanna Barber et al applicants for citizenship in this cause by W. B. Watts, one of their attorneys, and pray an appeal from the decision of the Honorable Commission to the United States District Court as provided by the Act of Congress approved June the 10th, 1896.

And the said W. B. Watts, being duly sworn and acting on behalf of said applicants says that the appeal prayed for in this cause is not asked for for the purpose of delay but that justice may be done the applicants.

(signed) W. B. Watts,

Sworn and subscribed to before me this 23rd day of December 1896.

(SEAL) (signed) J. O. Lindsey,
Notary Public.

My Commission expires March 20th 1897."

Indorsed: "Court 1864."

"Received of H. F. Maccoon, Jr., Secretary of the Commission to the Five Civilized Tribes, the original papers, in the case of - - - - vs - - - - Nation, as follows:

Witness my hand and official seal at Muskogee this the 20 day of Feby 1896.
(SEAL)

(signed) J. Q. Winston, Clk."

Indorsed "Court # 80 No.1864. receipt for original papers in the case of Joanna Barber et al vs. Cherokee Nation. Received and filed this . . . day of . . . 189. . . Secretary."

"IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY, NORTHERN JUDICIAL DIVISION, AT MUSKOGEE, IND. TER.

Joanna Barber Onie E. Barber, William R. Barber, James E. Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Ella Moore, Attie L. Hunt, Alsey J. Smart, APPELLANTS.
VS
CHEROKEE NATION, APPELLEE.

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Come now the appellants in the above entitled cause and petition the Court to grant an appeal in said cause from a decision of the Commission, known as the Dawes Commission, created and empowered to treat with the Five Civilized Tribes of Indians, to-wit: the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Indians, and to pass upon and decide applications for citizenship in the said Five Civilized Tribes, which decision by said Commission was rendered by authority of, but not in accordance with, an Act of Congress passed and approved June 10th, 1896, and by which decision on the 29 day of October, 1896 the aforesaid appellants were denied their rights to citizenship in the Cherokee Nation, Indian Territory.

The facts relied upon by the appellants to establish their rights to citizenship in the Cherokee Nation, as aforesaid are as follows: to-wit: The affidavits of E. Dawson, S. E. Dawson T. A. Dawson, F. M. Dawson.

Said affidavits fully and conclusively establishing the fact that said applicants are Cherokee Indians, by blood and descent, and entitled to rights of citizenship in the Cherokee Nation.

Said affidavits, together with the application, of said appellants, were, prior to September the 10th, 1896, filed with and submitted to said Commission for its investigation, consideration and decision.

That a certified copy of said application, together with the accompanying affidavits, was served upon the Chief, or Attorney General, of said Cherokee Nation, prior to September the 10th, 1896.

The errors of the Commission in rejecting the claims for citizenship of said appellants are to be urged and relied on in this Court, to-wit:

FIRST. The Commission erred in rendering its decision on said claims adversely to the appellants and against the proof submitted by said appellants.

SECOND. The Commission erred in investigating the claims of appellants and denying same in the absence of a majority of the members of the Commission.

THIRD. The Commission erred in refusing the appellants the right and privilege of examining the proof submitted by appellee in support of the answers filed by the appellee and denying the appellants the right of filing verification to appellee's answer or producing proof in rebuttal of the same.

FOURTH. The Commission erred in denying the appellants the right of a trial of their claims by a competent jury, as granted to them by the laws and constitution of the United States.

FIFTH. The Commission erred in refusing appellants the right to be present in person, or by attorney, during the trial and determination of their claim before the said Commission.

SIXTH. The Commission erred in refusing to issue process for witnesses and to send for persons and papers when requested to do so by the appellants.

SEVENTH. The Commission erred in deciding against the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in deciding against blood, holding that blood was not a test of the right of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the question of residence, holding that residence in the Cherokee Nation was not a test of the right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their docket or record the grounds upon which the claims of appellants were denied and refusing to notify appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims and deny the same.

TWELVTH. That the Act of Congress approved June the 10th, 1896, was unconstitutional and had no power or legal right to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

THIRTEENTH. That Congress had no power by enactment to create, appoint and empower a judiciary, and said Commission erred in denying the claims of said appellants without any legal authority to do so.

Therefore, the appellants of this cause pray that an appeal be granted to this Court and that a trial, de novo, be granted the appellants, and that said appellants be permitted to introduce new testimony, and that an order be made requiring said Commission to send all pleadings, papers and records filed before it in this cause to this Court, and that the Cherokee Nation, the appellee in this case, be cited to

at this Court and plead and defend against the appeal ... show why the appellants should not by the rules, orders and decisions of this Court be adjudged entitled to citizenship in the said Cherokee Nation, and the appellants will ever pray.

(signed)

W. B. Watts,
A. H. Garland,
W. J. Watts,
Attorneys for Appellants."

Indorsed on back: "Cherokee Citizenship Case, No. 90 No 5 Jeanie Barber et al vs Cherokee Nation Filed Dec 23 1896 Jas A Winston clerk Watts, Garland & Watts, Attorneys for Appellants."

"SUMMONS.

SC WGW
United States of America,)
Indian Territory, } ss.
Northern District.)

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the Northern District, Indian Territory:

You are commanded to summon the Principal Chief of the Cherokee Nation, or the Attorney General of said Nation, to answer on the first day of next May term of the United States Court for the Northern District, Indian Territory, at Muskogee, Indian Territory, said the 4th day of May, 1897, A.D. 189— a petition praying an appeal from the decision of the Commission to the Five Civilized Tribes duly filed in said Court by Jeanie Barber, Ennis E. Barber, Jno R. Barber, Jas E Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Ena Moore, Attie L. Hunt, Alcey J. Smart, who claim to be entitled to be enrolled as citizens of said Nation, to the United States Court for the Northern District, Indian Territory, which petition is now pending in said Court, and warn him upon a failure to answer petition within thirty days from the time of the service of this writ, the same will be taken for confessed, and you will make due return of this summons within ten days after the actual service of this writ.

Witness the Honorable William M. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 28th day of Dec. 1896 A.D.189—

(SEAL)" (signed) J. A. Winston, Clerk.

"MARSHAL'S RETURN.

I received this summons the 28th day of December A.D. 1896 and served the same as follows: F. T. Hutchings, Attorney General of Cherokee Nation Indian Territory Accepted Service on the within at Muskogee, Ind Ter on the 12th day of January 1897

(signed) W. B. Watts

By Deputy."

Endorsed on back as follows: Entered this day No. 90
No. E. Nation, ... Atty. ... Claimants.

Joanna Barber et al
vs. No. 90,
Cherokee Nation.

I, H. A. Gibson, Special Master, to whom this
case was referred, submit the following report:

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,
NORTHERN DISTRICT, AT MUSKOGEE.

JOANNA BARBER ET AL)
)
(-VS-)) REPORT OF SPECIAL MASTER.
)
THE CHEROKEE NATION,)

I, H. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings herein, which is hereto attached and made a part hereof, and find as follows:

I

This this cause was instituted on September 5th, 1896, before the Dawes Commission to the Five Civilized Tribes, by Joanna Barber, and Isaac J. Barber, her husband, and their Children, Onie E., William E., James E., Johnnie and Joel A. Barber. That Joel A. Barber had the following children, Hattie Tolliver, George A., Frankie C., Jesse and Ethel Barber. That the application inadvertently also named Mary A. Bowers and her child Inez Bowers, Emma Murray and her child Claud Murry, Erma Moore and her children Anna J., Jackson D., Roy and Gladys, Attie L. Ross and her child Norman Hunt, Albert J. Stuart and her children Pearl A. and Emzey K. Stuart, Josie J. Carlinhouse and her children Myrtle O., Dora L. and Bertha M. Carlinhouse. That this application was by the Commission tried and rejected on October 20th, 1896, with no reasons given for the decision, and that subsequently on December 21, 1896, the claimants appealed to this Court. That the parties all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be admitted to citizenship in the Cherokee Nation by reason of their descent from Polly Rogers, who is claimed to be a Cherokee Indian by blood. That there filed in support of their application the affidavits of S. P. Dawson, E. Dawson, Francis M. Dawson, and F. A. Baldwin, who testify that Joanna Barber is the daughter of Elizabeth Foster, an Indian, who was the registered of Polly Rogers, who married a white man by the name of Samuel Dawson, and that Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann. That these witnesses are all Cherokee citizens by blood, acquainted with the

claimants, and according to their testimony, related to them by blood.

The appellee introduces to contravert this testimony the decision of the Cherokee Commission on Citizenship, rendered in the year 1907, in which these claimants were rejected by this Commission and also the affidavits of W. C. Rogers a grandson of Captain John Rogers, and Mrs. Sarah Carter, a granddaughter of Captain John Rogers, both of whom state that they never heard of any daughter of said Captain John Rogers by the name of Polly Rogers, and that Cynthia Rogers was his only daughter.

III

The claimants contend that they are residents of the Cherokee Nation, and are relatives of the Dawson family, who are recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west; that his name does not appear on the rolls of the Cherokee Nation, and that he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

The premises considered, in view of the unsettled condition of affairs in the Cherokee Nation at the time when Captain John Rogers, the ancestors through whom these claimants trace their Cherokee blood, lived, and especially in view of the absence of a marriage law and of records pertaining to marriage, I am of the opinion that these claimants have proved that they are descended from Capt. John Rogers, who resided in the Cherokee Nation, and was a recognized citizen, though they do not show that he was ever enrolled as such, and I therefore find that the claimants are all residents of the Cherokee Nation, Indian Territory, and that they are all Cherokee Indians by blood. That they have resided in the Cherokee Nation since 1907, and probably longer, though the proof does not state definitely how long they have so resided.

I ask that the Court allow me a reasonable fee for my services here in as Special Master.

Respectfully submitted this 10 day of August, 1907.

(signed) W. A. Gibson,
SPECIAL MASTER.

fee paid.
No Exceptions filed."

BY THE COURT.

From this report it appears that the claimants base their right to be enrolled as citizens of the Cherokee Nation upon the grounds that they are the descendants of a Cherokee Indian by blood, but their ancestors through whom they claim have never resided in the Cherokee Nation as now constituted. It appears that they have resided in the Cherokee Nation since 1907, and probably longer, though the proof does not state definitely how long they have so resided. It does not appear that the claimants or any of their ancestors have ever been recognized members of the Cherokee Nation.

The jurisdiction of the United States Court in respect to this case is at issue, and the application of the principle

to be enrolled as citizens of the Cherokee Nation is denied."

Indorsed on back: "SC No.7 Joanna Barber et al vs Cherokee Nation, Final Report of Special Master, Filed August 17, 1897, Jas A. Winston, Clerk."

Foregoing papers in Joanna Barber case enclosed in jacket indorsed: "SC Joanna Barber et Vs Cherokee Nation."

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"NOTICE.

SC
UNITED STATES OF AMERICA) In the United States Court for
INDIAN TERRITORY (ss said District.
NORTHERN DISTRICT.) In the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation.

To the Commission to the Five Civilized Tribes.

You are hereby notified that an appeal has been taken in the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said Court to transmit at the earliest time practicable to said Court, at Muskogee, Indian Territory, a transcript of all the entries made in the docket of your tribunal relating to the case, together with the depositions and testimony taken before said tribunal; the decision thereof on the application, and all original papers relating thereto.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 22 day of Dec. 1896. A.D. 189—.

(SEAL) (signed) J. A. Winston, Clerk."

Indorsed: "No. 1864 Joanna Barber et al vs Cherokee Nation, APPEAL ORDER OF U. S. COURT."

Foregoing paper enclosed in jacket marked: "No. 1864."

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BY MR. HUTCHINGS:

We now introduce the original record in the citizenship case of Irene J. House, et al., before the Commission in 1896, the court number of same being 230, said case being denied by the Commission; appealed to the United States Court, and the decision of the Commission affirmed.

In this case we desire to call especial attention to the certified copy filed therein of the testimony of Arthur Baker, the certified copy having been made in 1894, being the testimony of Dr. Baker in the case of Robert Dawson against the nation, number 108, before the Citizenship Commission, and which was made January 10, 1882.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The papers in Court No. 238, just introduced above, are as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19, 1883.

No. 108.
Robert Dawson et al) Exhibit C.
vs
Cherokee Nation.)

Testimony for Claimants.

Witness, Dr. Arthur Baker sworn testified as follows:
My name is Arthur A. Baker I reside at Berryvill Arkansas Carroll County, my age is 73 years I am not a Cherokee. I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carrolls County some 35 years - At my Mothers house near Calhoun I became acquainted with the claimants Robt Dawson grandmother on mother's side she was frequently at my mothers house though she Anna Pruet lived in the Nation side; She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee, the first time she brought the claimants mother to my mothers house she the mothers mother was about grown when I was a little boy. She called her daughter Polly Rogers, Said Captain John Rogers who ran a boat up the River was the father of the child; I saw the girl frequently there at my mothers and there at Louis Ramses Store.

I saw her occasionally until I was 15 or 16 years of old and I think then Old Capt. John Rogers took her off to school, I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson, I stayed all night there and we and I had a talk over our old matters and I asked her where she became acquainted with Dawson and she said at the time she was going to school and she said after she left school that Dawson followed her home, to the Nation and they were there married. I have told that precisely in the words that she used, Capt John Rogers claimed to be one fourth Cherokee. The claimant is the son of Polly Rogers, and I know Polly Rogers to be the daughter of Anna Pruett and I know the claimant to be the son of Polly Dawson.
Capt. Rogers then resided in the Cherokee Country about twenty (Word "twenty" marked through) twelve miles below Calhoun on the Hiwassee River Anna Pruett resided in the Cherokee Nation as long as I stayed there the Dawson when I got acquainted with them Arkansas were recognized where they were as Cherokees. Robert Dawson children is Buck, John, Marian and two girls, The children named in the petition I recognized as being the claimants.

Question by Solicitor:

No. 1 How many children did Polly Rogers have?
Ans. 1 Five I think that's all
No. 2 Did you say something about some one being married twice?
Ans. 2 The claimant was married twice.
No. 3 Could Anna Pruet speak Cherokee?
Ans. 3 Yes, she could speak it well.

Ques 4 Did Polly Rogers speak Cherokee?
Ans. 4 She did when I was young.
Ques 5 How far did you live from A. Priest?
Ans. 5 Went across the river about 3/4 of a mile.
Ques 6 Was Calhoun in the Cherokee Nation?
Ans. 6 It was on both sides of the river part in the Nation and part out in the state.
Ques 7 Which Burnage was it went to Texas?
Ans. 7 George went first, then John went, they were the sons of old man Burnage, that lived up near the line.
Ques 8 Did the Claimant go to Texas?
Ans. 8 No the Claimant did not go to Texas.
Ques 9 What connection was claimant and Polly Rogers?
Ans. 9 The Claimant is the son of Polly Rogers
Marion here is the grandson of Polly Rogers.
Ques 10 Where does claimant now live?
Ans. 10 He lives in Carroll Co Arkansas.
Ques 11 Do you know what relation old Capt John Rogers was to Charles Rogers here in Coowescoowee?
Ans. 11 They claimed kin but what kin I dont know there were two Capt John Rogers in the Nation I am speaking of the time when I first came to this country about the year 1830.
Ques 12 Was Anna Priest the maiden name of claimants grandmother
Ans. 12 Yes that was her maiden name the Indian called her Sinee

his
(signed) Arthur x Baker
mark

Witness hand paralyzed is the reason why he signed by a mark the x

I R T Hanks Assistant Executive Secretary do hereby certify that the foregoing document is a true and correct of the riginal as appears of record in the Executive Department of the Cherokee Nation.

Given under my hand and the seal of the Cherokee Nation on this the 5th day of December 1894.

(signed) R. T. Hanks,
(seal) Asst Exec Sec. "

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"To the Honorable the Dawes Commission on Citizenship in the Five Civilized Tribes in the Indian Territory:

Your petitioner, Irena J. House, undersigned, respectfully states that she is a Cherokee Indian by blood, as asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That she derives her said Indian blood from Joanah Barber her mother, who is a Cherokee Indian by blood The said Joanna Barber being a daughter of Elizabeth Petty who was the daughter of Polly Rogers and Samuel Dawson, the said Polly Rogers being the daughter of Captain John Rogers and Anna (Slay Vann) Priest, Cherokee Indians, as shown by a certified copy of the affidavit of Dr. Arthur A. Baker, which is hereto attached as Exhibit A also affidavits marked exhibits B- C- D- and E.

Your petitioner states the above facts as the lawful grounds for her application for citizenship in the Cherokee

Nation, and prays that her claim may be fully investigated by your Honorable Commission and that she be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 34 years, My Post Office address is Talala, Ind. Ter. My family consists of the following named persons: My husband and children as follows:
W. J. Housey aged 34 years; Chas. O. House, aged 9 years; Vinson T. House, aged 8 years, Amy F. House, aged 5 years.

WITNESS my hand this 19 day of August 1896.

(signed) Irene J. House.

- - - - - - - -

Northern Judicial
District, Ind. Ter. ss.

Personally appeared before me, the undersigned authority, Irena J. House, to be known to be the petitioner in the above petition, who being by me first duly sworn upon her oath says that she is the petitioner in the above petition, that she has read (or heard read) the said petition and that the facts stated therein are true, as she verily believes.

(signed) Irene J. House.

Subscribed and sworn to before me at Talala, Ind. Ter. this 19 day of August A.D.1896.

(signed) J. Barricklaw,
Notary Public, My commission expires
June 8 1900."

(seal)

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"Exhibit A.
Northern Judicial Division,
Indian Territory.

Joanah Barber being duly sworn according to law. on oath states My name is Joanah Barber I am 61 sixty one years old My Post office address is Watova Ind Ter- My husband occupation is farmer I am a Cherokee in Cooweescoowee Dist I am a Cherokee Indian by blood my mother being Elizabeth Petty (nee Dawson) Daughter of Samuel Dawson and Polly Dawson (nee Rogers) and said Polly Rogers is a daughter of Capt Rogers and Anna Vann (commonly called Alsey Vann) the following Irene J. House is My daughter; she was born in Williamson County, Texas May 13th 1863, moved with her husband children to the Indian Terry and settled near Talala I Tery

(signed) Joanah Barber

Subscribed and sworn to before me this 19th day of Aug.1896.

(signed) J. Barricklaw,
Notary Public, My commission expires
June 8 1899

(seal)

- - - - - - - -

"EXHIBIT B.

Indian Territory,
Northern Judicial District ss.

F. L. Dawson being duly sworn according to law deposes and says:

My name is F. M. Dawson; I am 54 years of age; My post office address is Afton Indian Territory I am a farrer by occupation and reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my grandmother whose maiden name was Polly Rogers through my father Robert Dawson, My grandmother Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee. My grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1838 and settled in Western Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory, Robert Dawson, the father of the affiant was also a recognized citizen of the present Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson father of this affiant and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of said Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers The said Elizabeth Petty was the mother Of Joanna Barber who is a full cousin by blood of this affiant in the Indian side. The said Joanna Barber is the mother of Irena J. House nee Barber who is a second cousin of this affiant in the Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and drew their per capita money all the last payment: said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, deraves her Indian blood and right.

This statement I have made to John H. Koogler, a Notary Public at Muskogee Indian Territory and it has been written down by him at my dictation. Such part of this testimony which refers to matters occuring previous to my recol ection I know by means of family history and traditions which facts I have always been taught and told of by my parents and grand parents from childhood up, te facts stated as occuring since my childhood I know of my personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irena J. House for citizenship in the Cherokee Nation.

(signed) F. M. Dawson."

"Indian Territory,
Northern District.

I John H. Koogler, hereby certify that the annexed and foregoing statement and affidavit was dictated to me by F. M. Dawson and was subscribed and sworn to by him and was written by me from his oral statement at my office in Muskogee Indian Territory this 14 day of August 1896, and I further certify that the said F. M. Dawson is personally known to me and that he is a creditable person and entitled to belief.

(seal) (signed) John H. Koogler,
Notary Public."

Northern Judicial District,
Indian Territory.

EXHIBIT D.

E. Dawson, being duly sworn according to law on oath states: My name is E. Dawson; I am 61 years old; my post office address is Talala, Ind. Ter. I am a Farmer by Occupation, and reside in Coowescoowee District- Cherokee Nation. I am a recognized Cherokee Indian by blood, and exercise all the rights and immunities of a Cherokee Citizen now living in the present Cherokee Nation. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my Grandmother Polly Rogers through my father, Robert Dawson. My grandmother Polly Rogers was a Cherokee Indian and was married to my grandfather Samuel Dawson in the old Cherokee Nation in Tennessee. My Grand Parents, Samuel Dawson and his wife Polly Dawson whose maiden name was Polley Roger come West from the Old Cherokee Country in about the year 1832, and settled in Western Arkansas, and later came on to the Cherokee Nation. My father Robert Dawson was a recognized member of the Cherokee Nation when he died, by reason of his Cherokee Indian blood.

The said Robert Dawson, the father of this affiant, and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of the said Samuel Dawson and Polly Dawson his wife she being the same Polly Rogers as aforesaid. The said Elizabeth Petty was the mother of Joanah Barber who is a full cousin by blood of this affiant on the Indian side, the said Joanah Barber is the mother of Irena J. House, whose maiden name was Irena J. Barber and a second cousin of this affiant on the Cherokee Indian side. This affiant further states that he has seventy five to a hundred blood relatives who reside in th Cherokee Nation and are recognized Cherokee Indians of the present Cherokee Nation and exercise all the rights and privileges of such Cherokee citizens, they having drawn their shares of the Strip Money at the last per capita payment made by the Cherokee Nation.

Said citizens and relatives derived their Cherokee Indian blood from the same source, as did the above named Irena J. House.

I have made this statement before J. Barricklaw, Notary Public at Talala, Ind. Ter, and affiant further states that he has no personal interest in the prosecution of the claim for citizenship in the Cherokee Nation of the said Irena J. House.

That the above facts which are within the personal knowledge of the affiant or within his years of discretion he knows personally, and the other facts which occured before the recollection of affiant he testifies to from what he has been taught from his family history and traditions.

That the relationship existing among all his people in the Cherokee Nation he knos from his personal knowledge and that they are related to the Cherokee Indian side.

(signed) E. Dawson.

Subscribed and sworn to before me this the 19 day of August 1896

(signed) J. Barricklaw,
Notary Public, My Commission ex ires June 3, 1900.
(Seal).
Notary Public.

"Cherokee Nation,
Coowescoowee District. EXHIBIT E.

Before me the undersigned authority this day, personally appeared W. A. Dawson who is to me well and personally acquainted, and after being duly sworen, deposeth and says, that he is well acquainted with Irena J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of Joana Barber, who is a neice of Robt. & James Dawson, who are both Cherokee Indians and recognized citizens of the Cherokee Nation.

Affiant further states that Irena House is the grand daughter of Mrs. Petty, who was a full sister of Robt & James Dawson.

Affiant further says that he knows that Irena House is a lineal descendant of Annie Dawson whose ~~children~~ (line drawn through word "children") sons, Robt & James before spoken are recognized citizens.

Affiant further says he has no interest in this suit.

(signed) W. A. Dawson.

Sworn and subscribed to before me this 17 day of August 1896.

(signed) William Lynch
Notary Public.

(Seal) My term expires Feb 6 1900."

Foregoing indorsed on cover as follows:
"No: 3099 5464 Before the Dawes Commission on Citizenship in the Five Tribes. Irene J. House V.S. The Cheroke Nation. Petition and Proof, Fill E. Linton, for Petitioner. Filed Sept 8 1896 A. S. McKennon, Com'r. Denied. Filed Feb 26 1897 Jas A. Winston clerk."

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"Received of W. H. Jacoway, jr., Secretary to the Commission to the Five Civilized Tribes the original papers in the cause of .... vs..... Nation, as follows..... Witness my hand and of icial seal at Muskogee this the 26 day of Feb' 1897 J. A. Winston, Clerk."
(Seal)"

Indorsed: "Court No.238 No. 5464 Receipt for original papers in the case of Irena J. House vs. Cheroke Nation, Received and filed this ..... day of..... 189..."

- - - - - - -

"Irene J. House et al,
vs. No. 238
Cherokee Nation.

Mr. N. A. Gibson, Special Master to whom this case was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSKOGEE.

IRENE J. HOUSE ET AL

VS) 238 REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION.

---oOo---

I, W. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings on file in this case which are made a part of this report, and that I find as follows:-

I

That this case is in reality a branch of Case No. 90, Joanna Barber vs Cherokee Nation, the principal claimant herein being Irene J. House a daughter of Joanna Barber.

That this cause was instituted on September 8, 1896 at which time application was made to the Commission to the Five Civilized Tribes for citizenship by blood in the Cherokee Nation.

That this case was tried by the said Commission on November 24, 1896 and the applicants denied, no reasons being given for the decision, and that on January 20, 1897, the parties appealed from said decision to this Court.

That this application was made by Irene J. House, her husband, W. J. House, and their children Chas., C. Winston T., and Henry V. House. That they file in support of their application the affidavits of Joanna Barber, F. M. Dawson, Arthur A. Baker, E. Dawson, and W. A. Dawson. That these Dawson witnesses are citizens by blood of the Cherokee Nation, and state that they are related by blood to the claimants herein on the Cherokee side. The claimants base their contention of a right to Cherokee citizenship upon the fact that the claimant Irene J. House is the daughter of Joanna Barber, who is the daughter of Elizabeth Petty, who was the daughter of

Polly Rogers, and that Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann, who were recognized Cherokee citizens by blood. That the testimony shows that the Dawson family are recognized citizens of the Cherokee Nation, and that the claimants herein are cousins by blood upon the Indian side, and that they all claim through a common ancestor, Polly Rogers and Captain John Rogers and Ailsey Vann, who were all recognized Cherokee Indians.

II

The appellee introduces in defense the record of the application of these claimants to the Cherokee Commission on Citizenship in the year 1897, and the record of the rejection of the claimants, and further the affidavits of W. S. Rogers, and Mrs. Sarah Carter, a grand daughter both of whom state that they never heard of any daughter of Captain John Rogers by the name of Polly Rogers, and that he had only one daughter, whose name was Cynthia.

III

The Claimants contend that they are residents of the Cherokee Nation and are relatives of the Dawsons, who are

recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name does not appear on the rolls of the Nation, and that neither he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

IV

The premises considered, I find that the claimants are the descendants of Captain John Rogers, and that it was entirely possible that in the condition of affairs at that early date in the Cherokee Nation, especially owing to the absence of a marriage law and of records pertaining to marriage, that these claimants should be the descendants of Captain John Rogers by a daughter, Polly Rogers, of whom the affiants for the appellee may never have heard.

I find that the claimants are residents of the Cherokee Nation, Indian Territory, where they have resided since 1887, and that they are Cherokee Indians by blood.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted, this 8 day of Nov 1897.

(signed) W. A. Gibson,
Special Master.

My fee paid,
No Exceptions filed."

Foregoing papers indorsed on cover as follows: "230, Irene J. House et al V Cherokee Nation Final Report of Special Master, Filed Nov 10 1897 Jas A. Winston, Clerk."

Foregoing papers enclosed in jacket indorsed as follows: "230, Irene J. House, et al vs. Cherokee Nation."

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BY MR. HUTCHINGS:

Well we close for the present.

TESTIMONY INTRODUCED ON BEHALF OF THE APPLICANTS:

D. F. C. DUNCAN, being first duly sworn, and being examined, testified as follows:

BY MR. McKENNON:

Q Please state your name, age and residence? A My name is D. F. C. Duncan, my age is 72 years, my residence, Vinita, Indian Territory.

Q Are you a duly recognized citizen of the Cherokee Nation by blood? A I am.

Q You gave testimony in this case once before did you not, before the Dawes Commission? A I did.

Q Before this Commission I will say, this Commission? A The Dawes Commission? A Why I don't recollect who the Commissioner was, that was taken at Vinita, ex parte.

Q Were you in any way connected with the Cherokee citizenship Commission in 1883 known as the "Tehee Commission"? A I was Clerk of that Commission.

Q For what length of time? A I don't recollect the exact length of time, I think it was about thirty days, during the continuance of that Commission, existance of that Commission.
Q You were the only clerk it had during its existance were you?
A I think I was.
Q You were Clerk of that Commission when it rendered a decision in favor of Robert Dawson et als, as found on page 114, of its record, numbered 108 (witness examines record referred to.) now in the possession of this Commission? A I was.
Q The members of that Commission were the same as shown by the signatures to this judgment were they? A The same, yes, sir.
Q Thomas Rohee, President of the Commission, Alex Wolfe and T. F. Thompson, Commissioners, that is correct, is it? A That's correct.
Q Were you present when this case was under consideration by that Commission and when it rendered this judgment in the case? A I was.
Q Were you at that time acquainted with R. M. Dawson, who is only called "Bud Dawson", Campbell Taylor and Samuel H. Benge, who were attorneys, who were Cherokee attorneys at that time? A I might say that I merely knew Mr. Dawson; all I knew of him was I saw him there as a party to the suit. I knew Mr. Taylor and Mr. Benge more extensively; I have known them a number of years.
Q They were recognized Cherokee citizens were they? A They were.
Q Was Taylor not known generally as a Citizenship Attorney?
A I think he was.
Q Do you remember seeing him and Benge present at the time this case was under consideration by the Court? A Why I do not recollect seeing Mr. Benge, I cannot recollect, but I can recollect of seeing Mr. Taylor about the Court room now and then.
Q Do you know who submitted the case to the Court for the applicants? A Let me understand the meaning of that; who brought the case?
Q Who called up the case? A No, I don't recollect.
Q Do you remember whether that Commission rendered any other decision than that found upon this record in that case? A I never had any knowledge only but one decision.
Q Was that in favore of or against the applicants? A It was in favor of them; I will say this: that if there was another decision other than the one that appears on the docket now before you, I have no recollection of it.
Q The only decision you have any knowledge of was recorded by you in this book as here shown was it not? A That is the only one that I have any knowledge of.
Q Did Bud Dawson pay you any money in connection with that case?
A He did not.
Q Did he ever promise to pay you any money for your influence with the Court in that case? A Never.
Q Or paid you any money, either directly or through any other person? A For my influence in that case?
Q Yes, sir? A Never.
Q Did you have any knowledge of him having paid to the Court or to any member of the Court any money for the purpose of influencing their judgment in that case? A None whatever.
Q Did you have opportunity of observing his conduct during that Court at the time? A The only opportunity that I had was during the session of the Commission; I saw but very little of him during the sessions of the Commission; now and then I would see him in passing.
Q Did you see anything in his conduct toward that Court which indicated that he had used undue influence in procuring that judg-

ment? A I never observed anything of the kind; nothing that awakened a suspicion in my mind that he was engaged in that kind of practice.

Q Did Cornbell Taylor at any time after the rendition of that judgment pay to you any money as coming through him from Bud Dawson for any services which you had rendered to him in that case?

A Yes, he paid me some.

Q What amount? A My recollection is that, I think it was a twenty dollar bill. I don't know but I had better go and state the transaction, all about it.

Q Yes, sir. A Mr. Dawson, Bud Dawson, during the trial of the case occasionally applied to me at my desk for writing paper, issue of a subpoena or transcript, something of that kind; I always treated him with courtesy and proper official consideration. He seemed to appreciate it, and whenever I did services of that kind to him, says he, I have no money, Mr. Duncan, but I feel as I ought to pay you. I told him I made no charges for work of that kind. And in passing I might state that I never received a cent for any kind of that work which I had been in the habit of doing for various parties before the Court.

After his trial was concluded, in the afternoon a little while before supper time I went to my hotel, The National Brick Hotel in Tahlequah; went to my room, felt a little tired, laid down upon the bed to rest. I recollect Mr. Duncan stepped into the room, drew a chair up to the bedside and sat down and commenced giving expression to his gratification at the success of his case, dwelling mostly upon the testimony in the case being so satisfactorily, establishing his Cherokee blood, and that he thought that he was entitled and that he had received justice by the Court. I listened to him, and we talked there I guess some ten or fifteen minutes; after a little he says, I must go to-morrow, I think he says to-morrow, I must go home,- he then lived down in Arkansas somewhere. Says he, Mr. Duncan, I believe I owe you something, ought to pay you something. Alluding, as I understood, to those little courtesies that I extended to him at my desk. Says I, I make no charges, Mr. Dawson, for services; if I have done you any good you are welcome. Well, says he, I feel indebted to you, I ought to pay you. I says, that makes no difference; I will leave that to you. Says he, I have hardly enough money to get back home. He shook my hand, and the last word he says to me, you shan't lose anything for your kindness to me; I thought he had reference to my services at the desk. That was the last I saw of Mr. Dawson, oh it must have been a year afterwards; I had located a little claim on the public domain up there in Delaware District, staked off what I intended to be a farm, merely stakes, I didn't make any other improvements, over there on Horse Creek. Went over in that part of the country to look after my claim, and I ran across Mr. Dawson, he had come into the Country and located and built him a little shanty and was living in it; I called upon him, he was very glad to see me; I asked him what he was doing there; he said he had moved into the country, and I told him, says I, you are encroaching upon me here; he had spread his claim over part of mine, mine had been made so long it was outlawed under Cherokee law. Well, says Mr. Dawson, I don't feel like doing you any wrong, I will pay you for your claim, and we will settle the matter in that way, that he as soon as he got his little matters together that he would satisfy me for it. Well we parted at that point. It ran on then for a long time, I don't know how long,- I think I met him in Vinita, and says he, did Cornbell Taylor pay you my money that I sent to you? Says I, No, I have not seen Cornbell Taylor.

Well, says he, I gave him some money and told him to hand it to you for me, and, says he, you ask him and he will hand it over to you: I guess. Well we parted then. Well, went on for some time, some months; I happened to meet Mr. Taylor in Tahlequah; I met him on the street I think, I clapped my hand on his shoulder, says I, look here, did Mr. Dawson any money to me by you? He says, yes, and he pulled out what I recollect to be a twenty dollar bill, and handed it to me; I received it, and I received it with the idea that he was compensating me for taking my claim, or possibly for doing him those little services in the Court. Now that is the fact and substance of the whole thing.

Q Was not that twenty-five dollars, Mr. Duncan? A It might possibly have been, my recollection does not serve me exactly, it might have been 25 dollars.

Q Did Campbell Taylor pay you any other money as coming from Bud Dawson? A Never a cent.

Q He paid you on one time pay you fifty dollars out of a hundred dollars which he had received from Mr. Dawson? A Never.

Q Did he on a second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson? A None at all.

Q He paid you no other money than that you have already stated, from Mr. Dawson? A Not a cent.

BY MR. McKENNON: We offer in evidence the judgment of the Cherokee Citizenship Commission before referred to, and ask that it be filed in evidence in the case of every application made by members of the Robert Dawson family who claim under it, or through Robert Dawson, as citizens of the Cherokee Nation, said judgment being found on page 114, Records of the Tehee Court, 1880 to 1884, case number 108, judgment dated January 11th, 1883, signed by Thomas Tehee, President, Alex Wolfe, T. F. Thompson, Commissioners. D. W. C. Duncan, Clerk Commission.

The said judgment just introduced is as follows:

"Office Commission on Citizenship,
Tahlequah, C. N., September 24th, 1881.
No. 108
Robt Dawson,
Elbert Dawson,
Jasper Dawson,
John Dawson,
Josephine Dawson,
Joseph Dawson, Petition for Citizenship
Jane Dawson,
Molly Dawson,
Wilbron Dawson,
James Dawson,
Phil Dawson,
vs.
Cherokee Nation.

Continued by the Plaintiff, Oct. 5, 1881.

January 13th, 1882.
The above case continued by the Cherokee Nation till next.

term. Ordered by the Court that the above shall not be taken up for final disposition before the 4th day of Oct. 1882.

October 4th, 1882

It is agreed by the parties that this shall be finally disposed of at the next January term if the claim is present defending the same; if not, the same shall be transferred to the September term, 1883.

On this agreement Commission continues the case till the next January term to-wit, January 1, 83.

And on the 11th day of January A.D. 1883 this case coming on for final hearing, and all the evidence produced in the case being carefully read and duly considered by the Commission, it is ordered and adjudged by the Commission on Citizenship that the claimants, Robert Dawson, E. M. Dawson, Albert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Sallie Dawson, Wilson Dawson, James Dawson, and Phil Dawson, are Cherokee by blood and that they are entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that they should be, and hereby are, hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

(signed) Thos. Tehee,
President of Com.

D. W. C. Duncan,
Clerk of Commission.

Alex Wolfe,) Commission,
T. F. Thompson,) ers.

Transcript issued to Claimants, January 11th, 1883,
(signed) D. W. C. Duncan, Clerk."

Marginal Note: "Case submitted by Claimant January 11th 1883. Case submitted by Solicitor January 11th, 1883."

Q Do you remember how many members of the Court were present when this judgment was rendered, or were all of them? A My recollection upon that point is not positive, but resting my statement upon what I know to be the practice of the Court at the time, seeing the names of all these Commissioners there, I can say with a great deal of positiveness that they were all present, because I never signed the name of one of the Commissioners unless he was present, assenting to it or directing it.

Q The rendition of that judgment then was concurred in by all of the three judges? A It was.

Q Mr. Duncan, if there had been a decision rendered the day before in this case while the Court was in session, adverse to those claimants, would you have known it? A I certainly should have known it.

Q Was there any such decision of the Court? A None to my knowledge. I can say positively there was not.

Q How many of these judges are now living? A Only one.

Q Whom? A Mr. Thompson.

Q Tehee and Wolfe are dead? A Tehee and Wolfe are dead.

Q How long have they been dead, do you know? A I do not know, quite a number of years. I was not living there, never lived near them when their death occured, and their death occurred perhaps a long time before I got knowledge of it. It is generally understood that they are dead.

Q Can you tell us how to find out any [illegible] of the matter
[illegible] about it at that time [illegible] ever had anyone? A I have
been thinking, and I can't make it [illegible] from any other
[illegible] records, until after [illegible] to the completion of the proceedings.

(A discussion was then had between the Court, the
Commissioner and counsel for the parties, in the course
thereof, counsel for defendants stated that he would
[illegible] on behalf of defendants, but agreed to refer until called.)

BY MR. FURGUSON:

Q Mr. Bynum, when did you become a clerk of the Texas Commission
Court? A I [illegible] was sworn in [illegible] and
[illegible] the Commission [illegible] organized immediately at the close of the
Council in which they were elected.

Q December 1941? A I think so.

Q Then previous to [illegible] you were in some capacity
in 1941? A The [illegible] elected after [illegible] more clerks
sometime.

Q The Court was [illegible] 1941 when you [illegible]? A Well, I [illegible] it
don't pretend to say what the particular [illegible] I might have
said at the time I was [illegible], I was [illegible] clerk prior to
the close of the year [illegible] National Youth Administration.

Q '41? A I think it was '42.

Q You entered on this [illegible] entered January, 1943? A Yes,
that was the session of the Commission.

Q That was before you were clerk of it? A Well I [illegible] long-
hand for some time and [illegible] continuously.

Q Well but then you [illegible] you were not clerk then
[illegible] one and not the other? A No, I don't seem to get it.

Q How could you be clerk [illegible] when you entered on it
[illegible] when you were not elected until 1942? A I am mistaken in
that, it could be after '42, it was the year preceding 1943, it must
have been 1942.

Q Your first entry in the Docket of as far as I [illegible], 1943, isn't it?

Q I don't recollect that my first entry was. (Attorney shows the
record to witness) Yes, that is the entry [illegible] there.

Q And that was shortly after you became clerk, wasn't it? A Yes,
shortly after I became clerk.

Q The case had been entered upon the docket before you were a clerk?
A I think so, yes it was entered [illegible] the previous term of the
session of the Commission.

Q In whose handwriting was the names of the three Commissioners
signed to that judgment? A Various [illegible]
(Attorney shows record to witness again) A That is my handwriting.

Q All three names? A All three names.

Q The record there shows that you immediately gave them that day
a transcript of the judgment, do you know who signed it? A
Signed the transcript?

Q Yes, sir. A I do not recollect now, this is, did you write it?

Q Signed the names to it? A Yes, that's it.

Q You always signed the names of Jones and Fuller didn't you?
A I think I did [illegible] generally; I don't know of their attention
to write their own names.

Q When Mr. Jones was there didn't he sign his own name? A Some-
times he did, sometimes he simply authorized me to do it.

Q Have you any recollection of any authorization [illegible] to do it
orally from the [illegible] have done it on that record frequently?
A I don't recall the particular [illegible] of authorization,
but I say positively that, considering the record, that he
authorized me to put his name there.

Q Will you look at the original transcript, thereby shown you and referred to in the judgment and say who signed the names of the Commissioners there? A (Papers shown to witness) A I signed them there.

Q You recognize that as your handwriting? A I do.

Q What made you when you were testifying at Vinita before Mr. Martin, on looking at the two signatures, and being cross-examined by me, say that it was not your signature and that the signature thereto attached was the signature of Mr. Thompson? A Occurred in this way: I had not seen any of the records in the case for about nineteen years. The exact transaction in the court had vanished almost entirely from my memory. I recollected at that time, however, when I gave in my testimony before the Commissioner, Martin, that was a practice of the Court at the time I served by which I signed the names of the full-blood members of the Commission, and Mr. Thompson either uniformly or occasionally signed his own name. I based my statement in that deposition upon my knowledge of the rule or practice in the Court, without comparing the docket and refreshing my memory. I made an incorrect statement when I said that that was not my handwriting. I am convinced now that it is my handwriting. That is the way it occurred, the way it happened.

Q Then you consider your recollection of the fact that Thompson, when he was present and rendering a judgment signed it himself, better than your own knowledge of your own handwriting?

A No, I didn't so regard it. I simply wrote without advisement when I gave in that testimony; I subsequently became better informed and concluded that that was my handwriting and not entered by Mr. Thompson under the rule, but was one of those cases in which he authorized me to do it myself, and I did it.

Q Then you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and not for the fact of your judgment on your handwriting at present? A I simply corrected my testimony in reference to my statement in regard to this handwriting, this case.

Q And you wouldn't know then as I understand you whether or not that is your handwriting if it was not refreshed by what you consider to be exterior facts? A I should know it by examining it and thinking over the circumstances, I think I should recognize my own handwriting, but if the question should be propounded instantaneously without any advisement or preconsideration I might make a mistake.

Q You did recognize the names of Thorne Tehee and Alexander Wolfe as being in your handwriting at that time? A I was very clear and positive, and so stated, that the names of those Commissioners were in my handwriting, and I was made certain by reflecting on the rule that they never signed their names with their own hand, but always authorized me to do it. Hence there is no question in my mind in regard to my handwriting in their signatures.

Q And then the third name, right under it, as compared with your admitted handwriting, you had to wait and learn the facts afterwards to determine whether that was your signature or not? A No, I don't think that if I had considered the circumstances, I knew there was a pure blank. What led me of the opinion that that might have been Mr. Thompson's signature was like this: I knew that he had been in the habit of at least sometimes signing his own name, and I was under the impression—and I do not now think I am deceived—that his chirography in a at least was resemblance to my own, hence I doubted whether I had signed that name or not on that account.

Q You were asked an [illegible] that time in your testimony w[illegible] fact that it, [illegible] was [illegible] writing out not your[illegible] but [illegible] I [illegible] that [illegible] recollection, not [illegible] to [illegible] I was not right or not, and [illegible] I stood that I was.

Q And he [illegible] stood that didn't [illegible] always [illegible] the original bill when he [illegible]? A I do not recollect that I stated that I used the [illegible], as that is, but on that [illegible] I [illegible] the [illegible] that [illegible] you did, but I [illegible] collect any [illegible] I was convinced that I was [illegible] I [illegible] for it.

Q Then you never [illegible] at best were [illegible] given, [illegible] like a year or a half ago and [illegible] until you [illegible] the [illegible] before yesterday, [illegible] refreshing your recollection? A I [illegible] that I have [illegible] at [illegible] until recently or [illegible] before the [illegible] decision.

Q Now the only recollection that you have got and the [illegible] aided your recollection was [illegible] when this judgment was rendered was the fact that you had [illegible] to it, in your handwriting, is it? A In fact.

Q You can [illegible] that you [illegible]? A What [illegible] the [illegible] aided my recollection was I would not say that the [illegible] were all present at the time that I signed it. I didn't think there was [illegible] at all.

Q Was it in the forenoon now or in the afternoon? A I don't recollect whether it was in the forenoon or afternoon.

Q In recollecting that they were all present when the record was signed, do you mean to say that they were all present when the judgment was rendered? A Yes, that is, you mean when the question of [illegible] or rejection was voted upon?

A Yes. A They were present.

Q Did you write up the record at the time that they rendered the judgment, or make a memorandum of it, and then write up the judgment some days afterward? A The record was not written up immediately upon the decision of any case, but I wrote up the record after adjournment, generally in the evening, and presented it next day or when the next session was had, for signature; that was the practice.

Q But in this Dawson case you wrote it up the very day that it was rendered didn't you? A I didn't recollect as to that.

Q And gave them a transcript the very day it was rendered?

A I don't recollect as to that.

Q And indicated the giving of the transcript on the bottom of the judgment the day it was rendered? A I should say it was given at the close of the transcript.

Q That was a very unusual thing for you to do in entering up judgments? A To do what?

Q To noteon the bottom that you had given a transcript the same day the judgment was rendered? A No, I don't know that there is anything unusual about that.

Q Any other cases in that record or more than one in any event that you have ever done that? A I don't recollect, but as I don't recollect of giving anybody else a transcript.

Q That is what I am getting at: you gave them a transcript and wrote up your judgment and everything right away? A Pretty generally after the decision; whether it was the same day or the evening, and signed next day, I don't recollect.

IT NOW BEING THE HOUR OF NOON, IN L. THE COMMISSION ADJOURNS UNTIL HALF PAST ONE P. M.

AFTERNOON, THE [illegible] APPEARANCES [illegible] AS HERETOFORE NOTED. WM. O. DOWAR [illegible] THE STAND AND TESTIFIES AS FOLLOWS:

Q Do you remember what witnesses were before the Court? A I don't remember now definitely except Dr. Baker, I remember him mainly because of the length of his testimony and the time it took to try it.

Q The Doctor was about the only distinct witness there was? A He is the only one now that I can call to mind.

Q There was probably another old donkey that testified was not there? A I have no recollection to that effect.

Q The case was just decided really on Doctor Baker's testimony, he is about the only man that knew anything about the case? A I am not certain that Dr. Baker was the only witness, might have been others that are now gone out of recollection.

Q Doctor Baker's testimony was taken down in writing? A Yes.

Q There was not anybody else taken down in writing was there? A All the testimony that was accepted in the case was taken down in writing.

Q Did you ever see anybody's able testimony in writing except Dr. Baker in that case? A What is not do I recollect, I can't recollect any other but Dr. Baker's.

Q You know whether that was taken immediately before the trial or at the trial or how was it? A It was taken in the presence of the three Commissioners during the session of the Court.

Q You mean the day that the case was decided or how? A I do not recollect whether the case was on trial more than one day, but my impression is that it was.

Q Do you know whether it was the above term of the Court or not? A I think it was the new term of the Court.

Q How many terms a year did that Court have, when and how did they run? A I don't recollect of but serving but one term.

Q Don't recollect but serving but one term? A Myself, it seems to me so.

Q You didn't go in until January of last did you; your first record is a record of about the 15th of January 1883, as shown by the book, isn't it? A I don't recollect in that regard.

Q How would they hear testimony in the case, then continue it, or how would they generally do about that? A I think they decided on the case at the term in which they took testimony.

Q Can you say whether or not this testimony was taken in this case at the time it was decided or at the next term it was decided, or within a week of the time it was decided? A My best recollection is that it was taken at the term in which it was decided; case was taken on testimony heard that the decision was made at the conclusion of the testimony.

Q Well now, I see on Oct. 4th, 1882, on your docket, the following entry made: "It is agreed by the parties that this shall finally be tried at the next January Term," It would be January, 1883, "Time allowed in present duration. If not, the case shall be continued to the Spring Term, 1883; or this agreement to be of no effect." Now what I should like to know is if you had a [illegible] January term, 1883.

January and September for a bill in deposition and bringing it to the attorney there, and then a testimony taken during the January 1937 term, at which a decision was rendered. A I find it impossible for me to recollect those dates but my memory there within a day or two, that the record shows the correct dates of the taking and rendering those forms.

Q Well there is a record here that this case continued on the 15th day of January, 1937, upon agreement that it should be taken upon the 4th day of October, 1937. Your records there show that there was nothing done in the case from January 15th, 1937 until October 4th, 1937; would you say that was correct? A I should say it was correct if it is shown on the book it is assumed to be a correct entry on the docket.

Q I will let you see it to refresh yourself. I don't want to intimidate you or if it is not all. (Hands entry in book to witness.) A I don't recall those facts in regard to the agreement.

Q You took down the testimony of the witnesses in court? A I took it down.

Q You took down the testimony of Dr. Baker? A Yes.

Q He was cross examined by counsel for the defendant? A As far as I don't recollect. He was present, he was always present. I think illy he was cross examined.

Q And that testimony was taken at the time when the jury were rendered in January, 1937? A I think it was, by stipulation to that effect.

Q Well the court seems to have had no session as to this case from January 15, 1937 up to October 4th, 1937, according to the record? A (No response.)

Q You don't recall anything in anybody's else testimony in the court? A No sir, I don't.

Q And the probability is that he was the only witness examined isn't he? A It might have been so, my recollection is that he was regarded as the main witness of the case.

Q He was quite an old man, about 7? at that time? A Yes, he was quite old.

BY MR. [illegible]:

Q The testimony of Dr. Arthur Baker, from this record, appears to have been taken January 15th, 1937; in that connection may I ask you may know, or are able to state? A Is that Dr. Baker's testimony? (Attorney hands paper to witness.) A It appears to be, yes; I don't think that was the testimony that the case was decided upon, because his testimony was taken orally before the jury, and I wrote it down, please let me see it. (Attorney hands paper to witness.)

A Well, all I may state in as I stated before, I don't recall those facts, but whatever the record says why I say that the record was quite correct, according to the fact, (Witness to see copy of the testimony referred to to refresh his memory.) I don't see and in reading this very closely to my understanding, all I perceive that the correct matter in that testimony that is in the record with Doctor Baker's statement; in exactly word for word I am not able to say, but that is the tenor of the testimony.

BY MR. [illegible]:

Q In so far as the testimony you endeavored to set down and the testimony in fact that you could in this it is [illegible] what? A Yes, I am nearly word for word, as I could take it, no [illegible] there may be little variation made necessary by the length of the witness' statement.

BY MR. McKENNON: Applicants object to all of the witness' testimony relating to the method of taking the testimony of witnesses at the trial, the character and effect of that testimony, and the number of witnesses, except so far as the same may be used for the purpose of testing the memory of the witness, because the same is incompetent, irrelevant and immaterial.

R. P. TORTHER, being first duly sworn, and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A R. P. Torther.
Q What is your age? A 54.
Q You are a physician are you not? A I am.
Q Where do you reside? A Vinita, Indian Territory.
Q Do you hold any official position in your position? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the Legislative Committee of the Indian Territory and of the American Medical Association,—those are some, and the most important positions I hold at this time.
Q Are you a Cherokee citizen? A I am.
Q By blood or intermarriage? A Intermarriage.
Q Your wife is a citizen? A Yes, sir.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.
Q Do you know his general reputation in the community where he resides for honesty and uprightness of character? A I do, I think.
Q Is that good or bad? A It is good.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A About six or eight years, don't know exactly how long; known of him for ten years and personally I have known him about any six or eight years.
Q Do you know his general reputation for truth and veracity? A I do.
Q Is that good or bad? A It is bad.

BY MR. HASTINGS:

Q Mr. Duncan belongs to the same church you belong to? A Yes, sir.
Q And has for a number of years? A Well now I say I think he does; I have always so understood.
Q Don't keep up with all your members? A No, but he has attended church there and my impression has been that he is a member of the church.
Q You didn't have any business before the Citizenship Court of which he was clerk, did you? A No, sir, not that I know of.
Q You was not at Tahlequah while he was clerk of a Court from 1898 to '3? A I don't believe I was.
Q Never had any business before that Court? A Had no business before them, not while he was Clerk to my knowledge.

BY MR. McKENNON:

Q You spoke of his membership in the church; he is in good standing as a member of the church is he? A Yes, sir.
Q I will ask you if Campbell Taylor's reputation isn't notoriously bad? A Yes, I have so understood it.

BY MR. HASTINGS:

Q I will ask you if it was notoriously bad in 1898, when these people employed him to represent them before the Court? A That was before my knowledge of him.

Q Not as far as you know his bad reputation dates back as far as you know him? A So far as I know him.

C. F. MILLER, being duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A C. F. Miller.
Q What is your age, Mr. Miller? A 61.
Q Where do you reside? A Vinita.
Q How long have you lived there? A Well I have lived there altogether, about 17 years I guess, or 18.
Q Are you a citizen of the Cherokee Nation? A No, sir.
Q What is your business? A Real estate and insurance agent.
Q Do you know W. W. C. Duncan? A Yes, sir.
Q How long have you known him? A I have known him twenty years.
Q Do you know his general reputation for honesty and uprightness of character among his neighbors? A Why yes sir.
Q Is that good or bad? A It is good, so far as I know.
Q Do you know Campbell Taylor? A Yes, sir.
Q How long have you known him? A Well I have known him 18 or 20 years, I guess.
Q Do you know his general reputation for truth and honesty? A Well yes.
Q Is that good or bad? A Well, it is bad, I think.

ATTORNEYS FOR CHEROKEE NATION waive cross examination.

F. R. CURTIS, being first duly sworn and being examined testified as follows:
BY MR. McKENNON:
Q What is your name? A F. R. Curtis.
Q How old are you, Mr. Curtis? A 56.
Q Where do you reside? A Afton, Indian Territory.
Q How long have you lived in the Indian Territory? A 30 years.
Q What is your business? A Lumber business.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A About 30 years.
Q You know his general reputation for honesty and uprightness of character in the community where he lives? A I do.
Q Is that good or bad? A As good as any man's.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A Some 20 years, I suppose.
Q Do you know his general reputation for truth and integrity and honesty? A Yes sir.
Q Is that good or bad? A Bad.
Q Is it notoriously bad? A Yes.
Q Did you ever know Dr. Baker, Dr. A. B. Baker, of Berryville, Arkansas? A Yes sir, I knew him in '68 and '69.
Q Where? A Over at Berryville: I ran a saw mill in that country at Berryville.
Q Did you know his general reputation so far as honesty and uprightness of character and truthfulness? A Yes sir.
Q Is that good or bad? A Very sir. Good as any man's; he is a good Christian gentleman.
Q Did you know him well enough to know his habits of life? A Yes sir.
Q Was he in the habit of taking liquor, drinking liquor? A Not that I know, of sir, I never saw him take a drink in my life.

Q [illegible] A It was, yes sir.

BY MR. HUTCHINSON:

Q How long did you know Dr. Baker? A Ten years.

Q What does he do there? A He was an old [illegible] there he lives right in the edge of Greenville, Mr. Hutchinson.

Q Was Dr. Baker well, a what I mean A I think I would have been [illegible] all positive.

Q That would be about 1908 A No sir, it was in '02 and '03, the two years that I went there.

Q He had [illegible] A Yes, sir.

Q And he was [illegible] A Yes, sir.

Q [illegible] A I don't [illegible] how much really he had, I [illegible] gentleman.

Q He wasn't [illegible] A No sir.

Q And his [illegible] In meeting you why or the other [illegible] A No sir, no sir.

Q Did Bill Taylor ever [illegible] you over the hill didn't he? A Yes sir, I never knew much good of him.

Q And whenever a man [illegible] can possibly come to get [illegible] to work it, because I was [illegible] A Well a great many of them are sir.

Q It was [illegible] that they had a law that they could [illegible] you sir, it would sort of give a color a man ought to have [illegible] around it? A Yes, that would be right.

Q You never knew anything about Mr. Buchan's connection with [illegible] citizenship cases? A No sir, never did.

Q You never heard about it changing some of the records of citizenship cases? A No sir, never did.

Q You have heard lots of talk about this Buchan case? A Yes sir.

Q Never how it all started that somebody was doing something wrong? A Yes sir.

Q You never accused him of it you think? A I never heard him accused of it, no sir.

Q That came out from the first day they were all in [illegible] to the contrary A Well I don't know who [illegible] first day, I have heard it for a good while though.

Q But you never knew who ever fixed it out A No sir.

Q They have been a pretty strong family in there in that country haven't they, fairly large family A Yes sir.

Q Quite a good many voters in there A Yes sir.

Q Did you ever know of the Booker & Lovelace any in court, Mr. Baker? A No sir, I never did.

Q What would you think of a man who would testify that he knew [illegible] what was going in 1892 when the youngest of his seven children was born in 1893, what would you think, would you think that was a statement to be made by a man who was truthful? A -

MR. [illegible] Gentlemen object to the question because it is wholly immaterial, and not upon any proof [illegible] admitted [illegible] in the case, and it is wholly immaterial and incompetent.

Do you think that a statement that would be made by a truthful man [illegible]

Q You know him in '92? A Yes sir.

Q He was quite an old, [illegible] A Yes sir, quite old, '91 and '69.

Q 15 years from that time he was liable to be in his dotage?
A I don't know, he was an old man when I knew him.
Q He was not old to make confidences from business there? A Well he did work a good deal, but never doing any business particular that I knew of.
Q He would have been pretty old 15 years from that time? A Yes, he would be getting old.

D. M. Barnes, being first duly sworn and being examined, testified as follows:

BY MR. [illegible]:

Q What is your name? A D. M. Barnes.
Q What is your age, Mr. Barnes? A I am 64.
Q What is your business? A I am publishing a newspaper.
Q What paper? A The Jasper Chieftain.
Q Are you editor of that paper? A Yes sir.
Q You live at Venice, that? A Yes sir.
Q Are you a citizen of the State of Indiana? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A 15 or 16 years.
Q Do you know his general reputation in the community where he lives for honesty and truthfulness of character? A Yes sir.
Q Is that good or bad? A Good.
Q Do you know Campbell Taylor? A Yes sir.
Q How long have you known him? A Why 15 years or longer.
Q Do you know his general reputation for truth and honesty in the community? A His general reputation, yes sir.
Q Is it good or bad? A Well it is not good.
Q Is it bad? A Well I suppose it must be bad then.

BY MR. HUTCHINSON:

Q But that Campbell's reputation be a bad, Mr. Barnes, quite a good while, hasn't it? A Why I think so, yes sir.
Q And it didn't begin mostly with this citizenship business? A Yes, so far as I know it did, yes sir.
Q Campbell got so many [illegible] citizenship cases and through the mails, and they finally had him up about it, and a good deal of stir about it? A Yes sir.
Q And some of that stir was sort of occasioned by his helping the Duncans in court, didn't it? A I don't know, I don't know whether he helped the Duncans.
Q Was not that one of the principal cases that brought him into notoriety? A I don't know whether he had that case or not. I know he had a great many cases.
Q That was the principal thing that concerned him [illegible] Campbell out, the citizenship cases here? A I think that is what got him into the most trouble.
Q I say before that time nobody had talked much about Campbell one way or another, and it became pretty general that Campbell was handling shady citizenship cases, and he got a bad reputation from that? A Yes sir, I think that was the impression caused by.
Q Now Mr. Duncan's connection with the matter came sort of been [illegible] people never talked much about it? A I never [illegible] thing about it, as I know of.
Q You have heard that there has been a [illegible] Duncan's case, that has been a notorious thing? A Oh it is a notorious case, yes sir.
Q Tell the fact of Mr. Duncan's reputation for [illegible] been somewhat given by himself, he confessed [illegible] as that?

Q His reputation for truthfulness is excellent given by the people of [illegible] Yes sir, that very much his self-esteem but A I don't [illegible] I am qualified to answer that.
Q He called on the [illegible] I took that very frequently.
A He did, and that I know of.
Q Doctor, in giving a good deal more of things I know his character for
Q Why is [illegible] the [illegible] I don't remember that he does.
Q You were not [illegible] court along in 1851 '2 and were you? A [illegible]
Q Didn't you [illegible] and was going on around the Capitol over there [illegible] I was not, I don't remember of [illegible] court going on at [illegible]
Q How far from [illegible] A Well, I live close by [illegible]
Q Have you lived any [illegible] since that time? A No sir, never have.

H. L. MURRAY, being first duly sworn and being examined testified as follows:
BY MR. HARRISON:
Q What is your name? A H. L. Murray.
Q You are a minister of the Gospel? A Yes sir.
Q M. E. Church, South? A Yes sir.
Q How long have you been [illegible]? A I have been in the ministry 28 years, sir.
Q Did you ever live at Virginia? A Yes sir.
Q How long? A I lived there four years, sir.
Q Do you [illegible] Q. Newman? A I do.
Q How long have you known him? A I have known him. Almost 21 years.
Q Do you know his general reputation for honesty and truthfulness of character? A I do.
Q It is good or bad? A Good, so far as I know.
Q You have had opportunity of knowing? A Yes sir.
BY MR. ETHERIDGE:
Q Mr. Dixon was a member of your church? A Yes sir.
Q What is the [illegible] you had a family in contact with him?
A Yes sir, he was a [illegible] official board.
Q His connection with [illegible] cases that were decided by the court of which Mr. Lee Clark was [illegible] in your presence against him? A No sir.
Q Or never discussed? A No sir, I know nothing about his connection with it.
Q You didn't live again or near Tallequah in '53? A Yes sir, I was Pastor of the Methodist Church in [illegible] Tallequah.
Q Did you hear about the [illegible] cases and [illegible] over there by the Cherokee Courts? A No sir, I know nothing about the cases; I was [illegible] the Commission was in session, and I remember that the [illegible] of the Commission, but knew nothing about the cases that were decided at all.
Q Never heard anybody discuss the cases that were decided? A No sir.

THOMAS A. [illegible], being first duly sworn, was examined, testified as follows:

By Mr. Workman:

Q [illegible] A Thomas A. [illegible].

Q What is your age, Mr. [illegible]? A I am [illegible].

Q [illegible] A Deputy Clerk of the United States [illegible].

Q [illegible] A All my life.

Q [illegible] A Yes sir.

Q [illegible] A Why, no sir, I have known him about [illegible].

Q [illegible] A Yes sir.

Q Is it good or bad? A I don't know.

Q Do you know Campbell Taylor? A [illegible].

Q How long have you known him? A I think about 15 years.

Q Do you [illegible] reputation for truth and honesty? A [illegible] sir.

Q Is it good or bad? A Why as far as I know.

By Mr. Murchison:

Q How did Campbell Taylor get a bad reputation? A [illegible] sir, I don't know how it is.

Q You never knew him until 1885? A Well I never knew him personally, I heard of him before that.

Q He had a bad reputation before '85? A Yes sir.

Q Bad reputation was bad for him? A First I remember I ever heard of him I heard people speaking bad of him, that I was told.

Q And everybody that was around the Nation and knew anything at all knew Campbell had a bad reputation? A Yes sir, ever so far back as '79 or '80, that far as I can remember. I think I heard it spoken of in '80, I think that's about the time.

Q And Campbell was in very bad reputation in '80 and '81 when we began to have these citizenship cases? A Yes sir.

Q You heard him spoken of in connection and using the mails for those business? A Yes sir, I heard of him being in the Fort Smith Jail on that account.

Q Citizens of the Nation talked a good deal about Campbell's being in those bad citizenship cases? A Yes sir.

And I also heard he had a bad reputation for [illegible] his debts, also, about the same time.

Q You don't know whether he had the money, he might have had the money to pay his debts? A No sir.

Q He could have kept out of bad citizenship cases? A Yes sir, I suppose he could.

Q You never heard Mr. Dugan's name mentioned before in connection with the Dawson case, citizenship cases? A No sir, I don't think I have, I may have, but I don't remember hearing it.

Q General impression that everybody had done something wrong with that matter, citizenship cases? A I heard there was [illegible] wrong in connection with the Dawson citizenship cases.

Q What do you have been the majority down where they were at? A Yes sir, I have heard it reported around over the country that such was the case.

Q They had a pretty large white community up there and the cases were never investigated? A I don't know about that, I don't think it was ever investigated, I never heard of it.

Q So they never had any intention to find out who the [illegible] was?
A No sir.
Q Where do you live Mr. [illegible]? A I live out on Dick Creek about 12 miles south-east of Vinita.
Q How far from Tahlequah was that? A About 65 or 70 miles, I suppose.
Q You never were around before the citizenship courts for [illegible] that time? A No sir.
Q You don't know when or just at what time Campbell had left the [illegible] or not room there? A No sir, I do not, at that time.

BY MR. [illegible]: I will state that I object to all of the testimony of this witness as to what happened by way of rumor, upon the character of a certain party, because the rule is hearsay, [illegible] incompetent.

E. S. [illegible], of counsel for [illegible], being first duly sworn, takes the following statement:

I have been a resident of Carroll County, Arkansas, early in 1900. I was intimately acquainted with Dr. Arthur Baker, for many years. Knew him as well as I did anyone else. He was a gentleman of the highest Christian character, so recognized by everybody who knew him. He was a sober man, and never drank liquor. I make this statement more in vindication of that good man's memory than for any other reason, because any imputation against his character is false.

BY MR. HASKINS:

Q How long did you know him? A I resided in Carroll County until 1907 when I moved to Johnson County, Arkansas; during the time I was away from here I [illegible] frequently every year that I resided in Carroll County.
Q Did you know his plant here? A Yes sir, I have been there several times. I have relatives living in the town in which he lived; my relations to him were such as to cause me always to inquire about Doctor Baker. I am, his reputation I think as well after I left there as I did when I lived there.
Q Did you know those facts in 1906 when you were a member of this Commission? A Yes sir, I have known that all my life; as I know that now.
Q Did you know that when you as a member of this Commission passed on the Irene J. House case? A I knew it every day of my life, in 1906 as well as now.
Q Suppose that Doctor Arthur swears positively that he was born in the year 1898, and suppose he said that he was of age that he could [illegible] the wife of Samuel Dawson; that a girl only 14 years of age could not [illegible] and the other undisputed evidence shows that she had married Sam Dawson prior to that time and had seven children, the youngest of whom was born in '13, how would you harmonize that with the statement that Doctor Arthur made? A Whatever Dr. Baker stated he honestly believed, whether it was right or wrong, whether it was error or truth, he honestly believed it, and stated it as he believed it.
Q He was capable of being in error? A Every man is.
Q I say he was? A Yes sir, just as you and I are every day, he was; I make that statement as to his character, which could be proven, if [illegible] knows it. I think I have it.
Q You [illegible] reported Irene J. House in 1906, of which you were a member? A I don't remember anything about that personally.

TESTIMONY ON BEHALF OF CHEROKEE NATION.

DAVID MERIDITH, being first duly sworn, and being examined, testified as follows:
BY MR. HUTCHINGS:
Q State your name? A David Meridith.
Q Where do you reside? A Vinita.
Q How old are you? A 60 years old.
Q Did you ever [illegible] Dawson? A Yes sir.
Q How long have you known him? A I knew him probably 8 years.
Q Did you ever have any talk with him about his citizenship case.
A Very little.
Q You were at one time associated before the Dawes Commission for citizenship here, you say? A Yes sir.
Q Tell what did Mr. Dawson tell you with reference to his citizenship, as to the cost of it, or anything about it, if anything? A Told me it was per eleven or twelve hundred dollars to get his citizenship.
Q Where did that conversation take place? A At Afton.
Q At what time? A It was in '38, spring of '39.
BY MR. McKENNON:
Q There were you when he told you that? A I was working on a house in Afton, building a house.
Q Whose house? A S. S. Haines.
Q And he was present? A Haines was present.
Q Where is he? A At Afton.
Q What age was Mr. Dawson at that time? A I don't know, he was very old, probably 75 years old.
Q Was he not a very feeble man? A Yes sir.
Q Hardly able to get around? A No sir.
Q Was he not then regarded as feeble minded old man? A I don't know whether he was so regarded or not.
Q You don't know what he had to do with the case, in fact, himself, do you? A No, I judged it was himself and family that cost that much to get through attorney's fees, etc. That is the way I took it anyway.
Q You were an applicant yourself were you not? A Yes sir.
Q When? A At that time.
Q Before the Cherokee Authorities? A Yes sir.
Q They rejected you? A Yes sir.
Q You were an applicant then before the Dawes Commission were you? A Yes sir, been rejected ever since.
Q Are you still an applicant? A Yes sir.
Q Still trying to get in? A Yes sir.
Q Claiming by blood? A Yes sir.
Q How long have you been living in the Cherokee Nation? A 15 years.
Q Where did you come from? A Indiana.
Q Claiming to be a Cherokee citizen? A Yes sir.
Q Indian? A Yes sir.
Q Jo. M Dawson is dead is he? A Yes sir.
Q How long has he been dead? A I think he died probably three years after that.

TESTIMONY TAKEN ON BEHALF OF THE APPLICANTS.

F. M. DAWSON, being re-called and further examined, testified as follows:
BY MR. McKENNON:
F. M. Dawson? A Yes sir.

Q Mr. Bowers, what members of your family came to the Cherokee Nation to file and have recognized the claim of your brother, Robert Dawson, as the husband of his family, as Cherokee citizenship?
A My mother and myself and my brother.
Q Tell the court A Robert Dawson, they all knew him as such.
Q When did they leave A In 1881 I would say as I remember, or '82, I don't know exactly, to be in either '82.
Q Did you file your claim at the time that A My brother, Joel Bryant, filed his application for Robert Dawson, Joel Bryant came to make it out and file it. That is my understanding.
Q Joel Bryan, was at present a citizen of the Cherokee Nation? A Yes sir.
Q Before what court was this filed? A My understanding was he was clerk of the court; perhaps you can tell me what court he was clerk of.
Q He was clerk of the Court of Appeals? A Yes sir, of the citizenship court, that is my understanding.
Q That was some eight or ten years ago, if you remember? A I went back home and left my brother there at that time, that is it.
Q Where did you then live? A I lived at Tahlequah, Ark ansas.
Q Then did you next come to the Cherokee Nation? A I believe I came back the next January, that was in 8 or 9.
Q Was your brother with them? A I don't think he was, I don't remember.
Q Well had he at any time of the Court or session of the Commission at any time after you first came here and filed the application until after it was decided? A No sir, I never let him any more until this case was decided.
Q You remember the business then after it or did you not? A Yes sir.
Q The case was finally determined 1 January 1900? A '01, yes sir, the 11th day as I remember.
Q Were you present at that session? A Yes sir.
Q Was there any decision of that case other than the one of record here? A I never heard of it if there was.
Q Was the judgment rendered in that case as recorded in the record Book of that Commission now in the custody of the Dawes Commission the only judgment that was rendered in that case so far as you know?
A Yes sir, so far as I know, if there was any I never heard of it in that case.
Q You then knew of no decision against you in the case? A No sir.
Q Who was your attorney employed at the beginning? A I employed A. B. Norwood.
Q Was he a Cherokee citizen? A Yes sir, I think so.
Q Where did he live? A At Clarksville, my understanding.
Q Was he present at any time before the Commission? A I never saw him, he never was there before the Dawes Com.
Q Did you pay him any money? A Yes sir.
Q How much? A Fifty dollars.
Q Did he ever render any services? A If he ever did I never knew it.
Q Tell them who did you employ? A My brother employed Joel Bryant.
Q Was he a Cherokee citizen?
A That is my understanding.
Q Was he not a prominent Cherokee citizen? A Yes sir.
Q What service did he render? A Well sir, I don't know whether he rendered any or not, only he met us a time or two at Tahlequah, and he was before the Commission; whether he rendered any services

or not I don't know so we generally always at parsing do a little paring the law down there.
Q Well what did he do about it? A I don't know, I couldn't say whether he done anything about it. That is Mr. Bryant, he always done.
Q What next was done about the employment of an attorney? A Why I got a letter from Joel Brandt that he was going to Austin City and for me to come down in January Term and Campbell Taylor would see to my claim before the court.
Q Did he say that he had employed the services of Campbell Taylor the attorney, to attend to it in his absence? A Yes sir, in his absence.
Q Have you got that letter? A I don't think I do sir.
Q Well what did you do then? A Why when the time came I go down on the city to Dunlap here and I come over from here to Bowie Gibson and I was down to see Uncle Houston Berge and stayed all night with him; it was very cold weather, and I got him to go over and submit my case to the court. I went over one day and the next day Uncle Houston Berge come over and the next morning after he come over the case was submitted.
Q Did he win it in case? A Yes sir, he told me so.
Q Not you? A Yes sir.
Q Were you present? A I was present until they went to take the vote on the case and then we was drove out of their room and they had a secret session, acting on the case.
Q Was Houston Berge present with you? A Yes sir.
Q Were you in the courtroom when submitted it to them? A Yes sir, when he made his argument.
Q He made an argument before the Commission? A Yes sir.
Q Was the decision rendered on that day? A Yes sir.
Q How long after he made his argument and submitted the case? A Was not but a little bit when we were drove out of the house the first time before they went in to secret session they called us to see in the cigars to the court and I was invited in the house; after the decision was rendered I am I was to get the cigars, and everybody come to me and told me to go and get the cigars and I done so.
Q And you took the cigars there and all? A Yes sir, everybody, the attorneys and all that was in the house, all had a cigar smoke.
Q Did they then announce their finding in the case? A Yes sir, they told me that I was granted my citizenship right and by the Commission.
Q What did you do about it then? A Why the clerk wrote out my certificate.
Q That same day? A That same day.
Q What arrangements did you have with Mr. Monge about his fee, and what was the amount of his fee? A There was no arrangement made until we got up there and he submitted our case; then he wanted me to pay him, he charged me fifty dollars, that was his fee.
Q Had you the agreement about the matter, the manner in which that fee should be paid? A My brother in Texas was to pay it.
Q Were you to write or was he to write? A He was to write for me.
Q Did your brother in Texas ever pay his fee of fifty dollars?
A Yes sir.
Q Was that all that was to be paid? A All that I was to pay was the charge he.
Q You knew his state and when he gave his decision at Fort Gibson the other day did you not? A Yes sir.

Q [illegible] you pay him $150 dollars before [illegible] to Washington, did you not? A No sir.
Q [illegible] that you paid him $150 dollars before he left home to go to Washington? A I never paid him that in my life.
Q Are you sure you never paid him $150 dollars? A I am sure I never paid him.
Q You are sure? A I went by Silas Springs and on by Spring Dale and I was on to Maysville and the militant there and went on by Springdale and by Siloam Springs.
Q You traveled the return to Fort Gibson with Thomas Beloe, did he not? A No sir, I did not.
Q Did you not return to Fort Gibson? A Well I should say I did, I came on to the mouth of Grand River and struck a back going out to Siloam Springs. I was horseback at, I could go to Dilo Springs and I went to that route and then there was a back going by Spring Dale, that was the most direct route.
Q That was the most direct route for your horse was it not? A Yes sir.
Q And the cheapest? A And the cheapest route.
Q And you knew you could go to Fort Gibson you would have been paid directly over for the money, did you not? A Yes sir.
Q You took the early train, did you not? A Yes sir, I left Muskogee on the east of Muskogee was it not? A Yes sir, I left Northeast part, I took the east.
Q While Fort Gibson is down that way it is it not? A Southwest.
Q You heard him at the time that you came to Fort Gibson with him, and by your own statement to him that you came to attend this court [illegible] and you knowing that you should [illegible] five hundred dollars, did you make that statement? A I never did, I didn't have five hundred dollars to pay him.
Q Did he file his petition in this court prior to the evening before this [illegible] rendered a verdict in your favor, that you the Cherokee Nation recovered a judgment against you? A No sir.
Q Are you sure you say to him, you won't fix that? A I had no such conversation with him.
Q Did you pay to D. W. C. Duncan, who was the Clerk of the Court any sum of money, or agree to pay him any sum of money, directly or through any other person for any services he might render you by way of influencing the court to decide in your favor? A No sir.
Q Or for any other purpose? A No sir.
Q Did you pay him any money after that through Campbell Taylor? A Yes sir.
Q What amount? A $20 or $25 dollars, I don't know which it was.
Q State what that money was paid for? A For a claim.
Q What do you mean by a claim? A Claim on the public [illegible] claim the claim there close to me; paid him 20 or 25 dollars [illegible] claim he had [illegible] by me, on the Cherokee Public Domain.
Q What did Campbell Taylor have to do with your case?
A He had nothing to do with it.
Q Did you agree to pay him any money for his services as an attorney? A No sir.
Q Did he perform any services in that case for you as a representative of Mr. Drumm? A No sir.
Q Did you pay him any money? A Yes sir.
Q On what account? A He [illegible] to me and said he had two claims [illegible] for John Drumm and wanted me to pay him for them I [illegible] me.
Q What amount? A Hundred dollars.

Q For [illegible] I -- I,
Mr. Joel [illegible] it for Dr. Mount.
Q Did [illegible] Joel [illegible] and I was told by Joel
[illegible] Joel [illegible] Joel
brought [illegible] and I paid him that. I paid
Joel [illegible] Taylor [illegible] twenty dollars or twenty-five dollars that is
all he ever got from me.
Q How did you get that 25 dollars out of Dr. Mount? A I
don't [illegible] he just [illegible] and that's only [illegible] I
received no [illegible] all and the money time to go to Joel
Brown, and I usually borrow [illegible] twenty or twenty-five dollars,
that is all I ever got from.
Q The amount that he paid Dr. Mount? A Yes sir.
Q And this letter [illegible] one hundred dollars, while you
were there at the time the judgment rendered, or was it sent to
him afterwards? A I don't [illegible] I don't remember
about it.
Q You think it was paid then? A Yes sir, that's my recollection
now.
Q Did you send him [illegible] dollars after you got many from
there, subsequent to the rendering of that judgment, after it was
rendered I mean, direct [illegible] any fifty dollars or like or
any other sum to Dr. T. C. Mount? A No sir.
Q Did you send him a second one hundred dollars with that direction?
A No sir.
Q Mr. Bowe, [illegible] it cost you to try it all
to obtain their claims with in the Cherokee Nation under this
judgment? A Pretty near it I do.
Q Well about what was it? A About five hundred dollars, pretty
near 500 dollars. That is what I considered, I was beat out of some
of my money, and I was beat out of my expenses.
Q Now I take a statement of what that money was paid for and how,
so far as you can remember, I mean to say now: Tell the first
fifty dollars you got: the next fifty dollars you got;
what was the attorneys fees; I speak of the attorneys fees now: the
next money was the hundred that Campbell Taylor got: the next
attorney fees was Wyandia one hundred dollars.
Q Was that all the attorney's fees? A I think it was, no, wait,
I paid Ross 15 dollars for taking Baker's deposition.

Q Which Ross was that? A The old Chief, Will Ross I think, a
son here, William P. Ross.
Q So then, this Chief William P. Ross for taking the deposition
of Dr. Baker charged you fifteen dollars? A Yes sir.
Q Do you recollect that that was the actions at your attorneys and examining
him? A Yes sir.
He examined him before the Commission, took his statements.
Q What other attorneys were there present? A None of the ones
present.
Q Well now, go on? A For the expenses of Will, Dr. Baker
and he was a Doctor, I will say I can't remember the charges is 5 dollars
a day and I was a man and his expenses down there we [illegible]
in a hack from Fayetteville, Arkansas, to Chicago, and our
board and [illegible] and I think it's about 75 dollars
that trip [illegible] more it, maybe a little over that.
Q Did you pay him so per diem? A I paid him five dollars a
day for him it's and then his expenses.

Q Well? A Well I made several trips out here at different times, to Tahlequah before the Commission, and back, three or four trips as well as I remember now, cost me 20 or 25 dollars each trip, as I remember about it.

Q Do you remember how many trips aside from the one in which you brought Dr. Baker? A No, I think there was probably three trips I think it was, maybe more, and then I made one trip to Claremore to see A. E. Norwood.

Q What did that trip cost you? A I don't remember what it cost; I went in a wagon down there.

Q You went through and employed Benge, went by railroad; what did that trip cost you? A I don't remember what it was, whether it was 31 dollars or 32 dollars, one or the other, I don't remember which it was. Joe Dawson, my brother, give me the money, it was either 31 or 32 dollars.

Q Now then is there any other expense that you know of that was paid by you or your family, any members of your family, other than that you have mentioned? A I don't remember any other now; I can't call to my memory right now.

Q What was the condition of the members of your family generally now, financially, at that time? A Well we were considered poor people; I don't know, we didn't have much money, scarcely any.

Q Was there any one of them that was better off than the others, and if so, which one? A I suppose Elbert Dawson was better off than the others, Mac Dawson.

Q Do you know how much Buck B mean paid of these expenses? A I don't think he paid, he paid the Benge debt and the Bryant debt, I think it was.

Q That is one hundred and fifty dollars? A Yes sir, that he came up on one trip and taken some evidence with Joel or Will Mack Joel Bryant was Clerk of the Court before this Tahlee Court, I don't know what that cost him.

Q Came up he and took additional testimony? A Yes, came up and went back to Texas. Filed his claim and took some testimony and went back to Texas and I didn't see him.

Q Did that testimony include Dr. Baker's testimony? A No sir.

Q You know how many witnesses were examined then? A I only know what he told me.

Q How many? A Four witnesses.

Q You know whether they were residence of the Cherokee Nation or not? A He told me they was.

Q Were you present on that trip in which he came there and took that testimony? A No, I met him there and then I went back home and left him at Tahlequah.

Q He had taken the testimony before you left him or after same? A He taken it afterwards; that was my understanding.

Q Did Buck furnish only the one hundred fifty dollars that you now remember? A I think it was.

Q And the expense of taking these witness up there? A Yes sir.

Q You also furnished money now of the members of your family? A My brothers and father lived down in Berryville, we and my brother-in-law, Bloomingdale, we all chipped in together a few dollars from each family.

Q You heard the statement of C. C. Brought that in June 1902 you told him that it had cost you 700 dollars, did you make any such statement to him? A I never did.

Q And that you paid one witness 300 dollars? A I never made any such statement.

Q Did you pay any witness any such sum? A No sir, I paid Dr. Walker for his time; he said his time was worth 5 dollars a day, and I paid it.
Q Did you pay any other witness any other than that? A No sir, he was the only witness I had in down there in June.
Q Call the name Dawson to mind? A Yes sir.
Q Do you recall that you told him in your house there on your place, did you have any horse there in June 1897? A I was not living on my claim at that time.
Q Did you have any then? A I didn't have any.
Q What did you build a house there? A I built a house on the farm I live in now by Mr. Wright, I moved on the farm the last of July, 1897, and I camped in my wagon.
Q What did you do? A I went in the timber and cut poles and made that out and made a log cabin on the place by a spring near Mr. Wright.
Q About what time did you finish that house? A I was in, September.
Q How long after you finished that house until you brought your family out? A I finished it up and got it covered and the floor in it and I went back to Siloam Springs after my wife.
Q What family did you have then? A I had my wife and she had one child; but my oldest children, by my first wife were with me in the Territory, camping with me; three little boys and one girl were with me, and one girl back in Arkansas.
Q Are you and C. C. Brought on good terms? A No sir.
Q What has been the character of the trouble between you? A Trouble over our places first started it.
Q When did it begin? A As soon as I got back from Arkansas he commenced finding me out to be very far away from me, and we have been in a racket ever since.
Q Then his statement that you were on friendly terms, is it correct or not? A No sir, it ain't correct.
Q He and you have never been friendly as neighbors then since you first came back from Arkansas and settled in the Territory? A I don't remember ever being in his house; I never was in his house.
Q Have you had law suits with each other? A Yes sir.
Q How many? A I don't know that we had any particular law suits, but I have had law suits and he has been a witness against me.
Q What was your last trouble with him, when I mean? A Along last fall.
Q That was when your boys had a little racket and he had your boy arrested? A Yes sir.
Q What was the age of those boys? A Eleven years old.
Q He had them arrested down at Vinita? A Yes sir, had him arrested and carried before the Commissioner at Vinita.
Q He been discharged on account of his age? A Yes sir.
Q Jack Dawson is dead is he? A Yes sir.
Q How long has he been dead? A Three years, little over three years.
Q And James Dawson is dead? A Yes sir.
Q Is your father, Robert Dawson living? A No sir.
Q When did James Dawson die? A I don't remember, been dead several years, I don't remember how long, 6 or 7 years, I couldn't state.
Q When did your father, Robert Dawson die? A I believe it was in '07 as I remember now, I wont be positive.
Q Had all these moved to the Cherokee Nation before their death? A No sir, father died in Arkansas.

Q Those that lived here in the Nation they lived here in the Nation but went back to Arkansas and died there? A Well the rest of my folks all lived here. That was James Dawson and Buck Dawson.
Q Robert Dawson, your father, never did move to the Territory, did he? A No.
Q Did you hear the statement of the witness Beavert this morning, that about the time of hearing of the James Dawson case, at a negro church at night James Dawson and some down there with somebody else was introduced to him, and he loaned him ten dollars; did you hear that statement this morning? A I heard the statement, yes sir, I heard it.
Q He says that then James Dawson was 35 or 40 years old; was there any James Dawson living belonging to your family of that age? A No sir.
Q How many James Dawson's were there belonging to your family? A There was my uncle James Dawson and a brother James Dawson, the Doctor here.
Q How old was your brother James Dawson then? A He was a tolerable old man, I don't know his age.
Q About what age? A Must have been 60.
Q Between 60 and 70? A Yes sir.
Q That was the age of your brother James? A At that time?
Q Yes sir, in '84? A In '84 I suppose he was about 18, something like that.
Q Had he anything to do with the James Dawson case? A No sir.
Q Was he present at the time that the James Dawson case was under consideration? A No sir.
Q Was James Dawson, your uncle James Dawson, present at any time during the consideration of his case? A No sir.
Q He never was present? A No sir, if Uncle Jim Dawson was ever in Tahlequah I never knew it.
Q Who conducted the prosecution of the James Dawson case before the Cherokee Citizenship Commission, who conducted it? A The James Dawson case?
Q Yes sir? A I think James Low and Bill Jackson and Campbell Taylor.
Q Were you acting with them? A Yes sir.
Q They employed Campbell Taylor? A Yes sir.
Q Then there was no James Dawson present during that session of the Commission? A No sir.
Q What was the condition of James Dawson's health at that time?
A It was pretty poorly; was not good.
Q Was he at that time able to get about and attend to business?
A I don't think he was.
Q Was he not a very feeble minded old man at that time? A Yes sir.
Q Regarded as rather a silly man was he not? A Yes sir.
Q Did he attend to any kind of business of the family at that time?
A No sir, didn't.
Q What was his financial condition? A Pretty bad.
Q Did he have any money? A No sir.
Q Did he have any property? A None hardly at all; horse probably, or a cow or two, something that way.
Q Was that about all the property he had? A Yes sir.
Q How about the other members of his family that were admitted at that time what was their financial condition? A They were in poor circumstances.
Q Now then after these judgments were rendered what members of your family removed to the Territory, Cherokee Nation, I will say?
A Robert Dawson and family and James Dawson and family, that is, the old their children.

Q Robert Dawson didn't remove here? A No, I said except Robert Dawson.
Q Did all the members of Robert Dawson family move here? A Yes sir.
Q Except himself? A Yes sir.
Q And all the members of James Dawson family? A No, not all the members Melvina Low I don't think ever lived here.
Q She has never moved here? A No sir.
Q Well all the members of your family, your father's family included in that judgment of the Cherokees, rendered January 11th, 1888? A All but one.
Q What was the name of that one? A Dina.
Q A daughter? A Daughter of Robert Dawson.
Q Your sister? A Yes sir.
Q How old was she at the time she was a minor? A I think she was a minor, as well as I can remember.
Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.
Q By a Commission or by the Cherokee Council? A She was first admitted by the Spears Court, her and two of my nieces.
Q What are their names? A Nevie Vernon and Verna Fishback.
Q What became of them? A The certificate papers they got was lost, and they went before the Council in 1894 and they was readmitted back by the act of Council.
Q That was in 1894, the Cherokee Council admitted, re-admitted as they called it, the three above named? A Yes sir, Mary and Verna Fishback and Nevie Vernon, they have now the same names now except Vernon, it is not, Tob Robinson married the widow, a niece of mine.
Q Now, then was there any other consideration of the Dawson case by the Cherokee authorities at any time aside from these two judgments in '87 and '94 admitting the two families of Robert and James Dawson, and the act of Council of '94 admitting these three that you have just named? A Yes sir.
Q When? A My two of my sons was placed on the roll by the act of Council in 1892 I think it was; left off of the rolls in per capita payment and they was placed on the rolls I think, and Sam Hitchcock member of Council, got their draft or checks for the money.
Q Have you got that copy of the act of Council admitting them? A Yes sir.
Q Then is it? A (Produces papers.)

BY MR. HARRISON: We offer in evidence an act of the Cherokee National Council robin, an appropriation of 20,000 dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount set opposite their respective names, provided that the Principal Chief shall draw warrants for such amounts, and further provided "That the names of the persons appearing on the per capita rolls in this act shall be placed (on) the authenticated roll of 1880 by the Principal Chief."
This act was approved December 21, 1891.
Approval signed by Stephen Foreman, Assistant Acting Principal-
In this list appear the names of William F. Dawson for payment of $13.70, and of Marion Dawson, for a like sum. Are these the names of two of your sons? A Yes sir.
(The paper above introduced, is filed and made a part of the record in this case.
Q Was there any other action of the Cherokee authorities relating to members of your family? A Yes sir.

Q When? A In 1894.
Q What was that? A Allowing them their strip money.
Q Have you a copy of that? A I think I have. (Produces papers.)

BY MR. McKENNON: We offer in evidence a duly certified copy of an act of the Cherokee National Council approved November 24, 1894, signed C. J. Harris, Principal Chief. Senate Bill No. 19, appropriating a sufficient amount of money to make payment per capita of what is known as the strip money to certain persons named therein. Among them are members of the Blessingame family, as follows: Jane, Elbert, Henry, James Ross Lennie, Pearl, Amos, Myrtle, Winnie and Clifford; this act mentions these persons as Cherokees by blood, and whose names had been left off the pay roll approved May 3, 1894, providing a payment to each one of these a sum of $265.70.

Q Were these members of the Robert Dawson family? A Yes sir.
Q Which one of the members of the family? A Jane.
Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.
Q And her children? A Her children, was not admitted. She was admitted.
Q I mean this mentions her children here? A Yes, that mentions her children.

(The paper last above introduced is filed and made a part of the record in this case.)

Q Do you know whether the payment of the Cherokee Strip money was to Cherokee citizens by blood only or not? A Yes sir.
Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A Why the Douthett children, my brother's grand-children. Two grand-children of R. Dawson.
Q When was that? A That, I think it was in '84.
Q Have you got a copy of that act? A No, the record is here.
Q Was that by the Spears Court? A Yes sir, by the Spears Court.

BY MR. McKENNON: We now offere in evidence a judgment of the Cherokee Commission on Citizenship, 1880 and 1884, found on page 190, case No. 181, dated September 9th, 1884, signed by Ell Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Lula Douthett and Dallas Douthett as Cherokees by blood.

Q These now are the Douthetts to which you refer, are they? Yes sir.

BY MR. McKENNON: Attention is called to the fact that the names of the Commissioners are all signed in the same hand-writing as the record of the judgment.

The said judgment record above introduced, and found on page 190, No. 181, record of 1880 to 1884, is as follows:

"Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, September 14th, 1884.

E. Dawson, for his grand-children,)
No. 181. (C. H. Taylor,
Lula Douthitt,) Atty for Claim.
Dallas Douthitt, (
vs) Petition filed Septe[illegible]
The Cherokee Nation. (14th, 1884.

Case docketed by clerk on Sept 1, 1883.
Case submitted on motion, 9th, 10th, 1883.
Continued on Petitioner Jan 22 1884 to September Court 1884.
Re-submitted September 3rd 1884, by Atty's Taylor and Maynard

Submitted on defendants Sept 9 1884.

And now on this the 11th day of September 1884 came this cause for final hearing and all the evidence in the case having been carefully read and considered by the Commission on Citizenship it is hereby decided by the Commission that the above named John Bartlett and Dallas Bartlett are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

Rid Sparks, Pres.
John Bee,
John L. Adair, Andrew Young,
Clk Com'n. Commission on Citizenship.

Q Now, were there any other actions of the Cherokee authorities of like character relating to the members of your family?
A I don't remember of any others.
Q I will ask you if when the Cherokee Authorities were taking the roll of 1896, in compliance with the request of the Dawes Commission for a roll to be prepared by them for the use of the said Commission, the question of the citizenship of the members of your family was not then raised and an investigation had in regard to it? A Before the Dawes Commission?
Q No, before the Cherokee Commission taking the roll of 1896, of which John T. Potter was a member? A Yes sir, yes. I had forgot it, but since you have named it there was some investigation of that at that time; this is what I understood.
Q That roll shows that the members of your family were duly enrolled by that Commission? A Yes.

Q Have you and the other members of your family since your removal to the Territory in 1887 and immediately following been recognized as Cherokee citizens by blood? A Yes sir.

Q Have you been exercising and enjoying all the rights of Cherokee citizens by blood since that time? A Yes sir.
Q You and all the members of your family are living in the Cherokee Nation? A Yes sir.
Q You have all drawn Cherokee moneys whenever payments were made? A Yes sir.
Q And have you all male members been voting at the Cherokee elections or in the Cherokee elections? A Yes sir, I was one of the judges of the elections that was held voting on the treaty.
Q What treaty? A The treaty bill that was sent back here for the Cherokees to vote on; I was one of the judges at Afton.
Q In what year was that? A I believe it was last spring some time, last April.

Q Have any of you held any offices in the Cherokee Nation? A Yes sir.
Q What offices have the members of your family filled? A Dobbs Clerk, under Pete Hastings, when he was clerk of Delaware District, I was a candidate once for Council in the Downing Party.

Q Can any office of deputy clerk be held by any one else except a recognized citizen? A Only by a citizen, yes sir.
Q Is that all? A (No reply).
Q Have the children of members of your family attended the Cherokee schools, and been educated in Cherokee schools? A Yes, sir.
Q Have the members of your family been all the while subject to the jurisdiction of the courts of the Cherokee Nation? A Yes sir.
Q Have they been tried for any offenses against the laws? Yes sir.
Q And have they instituted their civil suits in the courts of the Cherokee Nation? A Yes sir.
Q And had suits instituted against them in such courts? A Yes sir.
Q Some of these cases have gone to the Supreme Court of the Cherokee Nation? A Yes sir.
Q And were passed upon by that tribunal? A Yes sir.
Q Is there anything else? A Nothing now; I am sick this evening; I have got the head-ache so bad I can't hardly see.

BY MR. HUTCHINGS:

Q How old was your father Robert Dawson when he died? A I don't know, I couldn't answer that.
Q He was a very old man? A Yes sir, he was getting tolerably old.
Q Could you tell how much older he was than you? A No I don't know.
Q Mr. James Dawson in 1884 must have been a very old man wasn't he? A Well he was old and he was feeble.
Q Well you stated that he had become silly: was he naturally that way? A He used to live in Texas: I didn't know him until after he came to the Territory.
Q I say he had gotten so old, that was the occasion of that? A I suppose so, the oldest one of these children was Mrs. Betty Petty, that's my understanding.
Q And the oldest boy was John Dawson? A He always called Mr. Jack.
Q Jack Dawson he was the oldest? A Yes sir.
Q Sam was the youngest? A Sam Riley.
Q He was the youngest one of the crowd? A Yes sir.
Q Your father lived four or five years after he and you were admitted to citizenship? Yes sir, something about that, it was in 1883, I think he died in 1887, I wont be positive; that is as near as I remember now. I have got a headache so bad that I can't remember anything.
Q He nor none of the older members of the family were ever present at any of these trials of citizenship? A No sir, not a one of them was.
Q Nor A one of them was ever called upon to testify as to the blood of their father, who she was or anything about it? A I don't think they was.
Q Your claim of kinship was through Captain John Rogers and that your grandmother was the half sister of Big Joe Vann, wasn't it? A I don't know, I couldn't answer the question.
Q You were there when they took the testimony? A I was there when Dr. Baker's testimony was taken, that was about 16 years ago.
Q And nobody kin to the Rogers and Vanns was ever called to testify in the case? A Not as I know of.
Q They were very well known Cherokee families in the country? A I suppose so, I don't know.
Q And yet nobody on any side of the family connected with it was ever called to testify A Not that I know of, I don't know first my brother done, he took some of the evidence at Tahlequah which I was not there: he first file his claim.

Q You hav' spoken to Dr. Baker about the testifying before you brought your case didn't you? A No sir.
Q What have been a short time afterwards? A It was a short time afterwards. I went back after him and it was too late and I fetched him the next time.
Q You had talked to your brother about what you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our suits.
Q You had told him in a general way you expected to use Dr. Baker as a witness? A Yes sir.
Q You went off, came to Arkansas and left your brother at Tahlequah after you told him that that? A Yes sir.
Q You didn't see your brother any more until after you were admitted? A No sir.
Q You and he however made trips back and forth to Tahlequah and both at different times, but you didn't happen to get together? A No. I never let him any more and I don't know that he was there until after we were admitted.
Q But you were there and brought Dr. Baker over? A Yes sir.
Q And took his testimony a year or such a matter before ever you were admitted? A I think he well as I remember, yes sir.
Q How the way you came to get Campbell Taylor was on the recommendation of old man Bryant? A I didn't get him, didn't use him.
Q The way he came into your case? A The way he claimed to come in.
Q He did more in your case than Bryant did? A Campbell didn't do anything.
Q What did Bryant do? A I think he held my brother to the evidence my brother employed him.
Q How did you happen to be sending money by Campbell to Mr. Duncan? A I never sent him any money.
Q Then when he, Mr. Duncan, states that Campbell delivered the money as Campbell said he did, both were wrong? A Oh no, you are mistaken, Mr. Duncan got 20 or 25 dollars, which he states, from Campbell Taylor, for me.
Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryant, and he wouldn't do it, and I tried to get the money back from him, and I finally worked the 20 or 25 dollars he gave to Duncan.
Q Then you didn't tell Duncan as he testified that you sent 20 or 25 dollars by Campbell Taylor? A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for me of the money I give him to give to Joel Bryant.
Q The family kept Campbell Taylor employed though as their attorney after that? A In the James Dawson case I think so.
Q E. Dawson, you remember, had him for his grand-children? A That is my understanding.
Q And your uncle James Dawson had him in the case of his children? A Uncle James had nothing to do with it; James Lowe and Bill Jackson got him; that was my understanding of who employed him.
Q The record here shows that the case was originally instituted by C. E. Taylor and was finally submitted by him September 2nd, 1902, in the James Dawson case? A I don't deny him being in that case.
Q You say he was employed in the E. Dawson case? A I don't know who was in the Douthett children's case.
Q The record shows that Campbell Taylor instituted the case, and it was finally submitted by him, and Mr. Beavert, who testified a while ago? A That was in the James Dawson case, wasn't it?
Q That was in the E. Dawson grand-children? A Elbert?
Q No, in the Douthett children's case? A Oh yes.

Q He was likewise attorney in the Mary Dawson case was he, and before the Adair court, the 4th of October, 1887, in the case of James K. P. Dawson? A I don't know anything about that.
Q And the ones likewise of Riley Dawson? A I don't know anything about those.
Q They are relations of yours? A Well I wouldn't say.
Q James K. P. Dawson proves to be a son of Riley Dawson? A Well if he is he is my connection then. There are so many Dawsons I don't know them all.
Q You know Andrew J. Dawson? A Yes sir.
Q The Dawsons have so many children their brothers didn't hardly know them did they? A That's it, I don't know them.
Q Well then you don't know who Andrew J. Dawson is? A No sir, I don't know.
Q He refers in his application as being a cousin of E. Dawson, and yourself, who were admitted to citizenship by the Tehee Court? A He may be, I don't know nothing about it.
Q He resided I believe, at that time at Nevada, Missouri? A I don't know anything about the people.
Q Old Dan Baker was an old and paralyzed man at the time he testified wasn't he? A Getting old, he was not paralyzed.
Q Then the statement made that the reason he couldn't write his name and had to make his mark, because he was paralyzed, in the testimony isn't that true? A He didn't have good use of his fingers.
Q Then he was not paralyzed? A No, I brought him over there in a hack from Berryville, Arkansas.
Q Well I say he was a very old man? A Yes, growing old.
Q Now didn't you come to this place up there joining Braggs' and work on it some time before you brought your family? A No, I brought my family with me, except my wife.
Q And you subsequently built a log house on it? A Yes sir.
Q And went back and got your wife and moved them to the log house? A Yes sir, went to Eureka and got my wife.
Q You never saw your grandfather at all? A Sam Dawson, yes sir, I saw him.
Q You remember do you of being with him much of any at all? A I was in Texas in time of the war, with my uncle Riley Dawson, and he was there.
Q In '60 sometime? A '62, I reckon, or '63. Some here about there, it was in time of the war.
Q How old a man was he at that time? A Pretty old man.
Q You never saw your grandmother, she died before she came?
A Yes sir, I never saw her at all.
Q Who first started the citizenship matter, your brother in Texas or you? A We it was me, and my brother together.
Q I mean who first conceived the idea? A I first commenced talking about it.
Q And sent down for him? A I was in Texas with him and then in Arkansas; I went backwards and forwards a time or two after the war.
Q About what time nearly everybody in Arkansas were tryin to get a claim of kinship to Cherokees? A No sir, not at that time.
Q They were getting pretty thick in there in 1906? A Well in '5 and '4 and '5 I think.
Q Been you excited over there to get yourselves on the roll?
A Just got to be everybody; but it wasn't at the time we was admitted there was not much stir about the rights here.
Q Well the Watts had been admitted before that? A I suppose they had; there was not much excitement over the Cherokee claim at that time.

BY MR. HASTINGS:

Q You did locate and board with Sam Shabler when you first came to Tahlequah in 1871? A I think I did.

Q Your brother Andy Dawson stayed there also? A Yes Sir.

Q Sam Shabler lived in the north end of town, old German? A Yes sir, old German, lived in the lower part of town.

Q Did you ever hear the names of any other witnesses which you stated perhaps testified in your case? A I have heard them but I have forgot them.

Q You don't recollect any name now? A I dont remember them now sir.

Q In the Irene House case and Joanna Barber case, in which you testified before the Commission, when you were making search for this testimony you couldn't find any other testimony from that of record except the Dr. Baker testimony, could you? A That's all we could find; no we didn't find the testimony, we got a copy.

Q Well it must have been a copy of the original, the certificate shows that? A I don't know; House got a copy of what claimed to be the affidavit of Baker and he told me to give it to him that is all I know about it.

Q Well the certificate there does not bear my certificate does it? A I don't know about that, I am no scholar.

Q Well you didn't get the testimony of any other witnesses except that of Dr. Baker; you couldn't find any other over there of record? A I didn't hunt for any; House hunted for them.

Q None of you have ever been able to find any other? A No. Not even find our petition.

Q Samuel R. Dawson applied to what is known as the Adair Court, didn't he? A I don't remember now.

Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.

Q The father of these two parties who testified here this morning? A Well I don't know, they claimed to be, I never met them to know them.

Q He was rejected by the Adair Court, or Hayes Court? A I don't know whether he filed his petition.

Q Did you testify in his case? A I don't remember; I might have dont it.

Q Didn't you testify in the Andrew J. Dawson case before that is known as the Hayes Court? A I don't recollect, if I did I don't remember.

Q Did you testify in the Riley Dawson case? A No sir, not that I remember.

Q Didn't you know of his being rejected by that court? A I don't remember, sir.

Q You know that the Cherokee Council never authenticated this roll of 1880, don't you? A No sir, I don't know it; I didn't know this was done until I went to Tahlequah after some papers and came back and they told me about it.

Q You never found out that C. H. Taylor was a big rascal up until the present time have you? A (No response)

Q The records here show that he has been in the constant employment of your family from that date up to this time? A Why it shows here from the record: I would rather be excused for my part of it.

Q You were the man that had the most to do with it? A I never employed him, I can say that.

Q You are the man that had most to do with the records? A In my case and in my father's case.

Q Didn't you testify for your brother Jim Dawson? A Yes sir.

Q Wasn't he attorney for him? A Yes sir.

Q Wasn't he employed by Jim Dawson after you got your citizenship?
A Why not but the grand-children.
Q Jim Dawson's petition was filed in September 1883, after yours?
A Yes sir.
Q C. H. Taylor, Attorney of record, filed his petition? A He might have filed it for all I know.
Q Well you hadn't at that time fallen out with C. H. Taylor had you? A Why no, he never did have any trouble, only over this money, he never would give it back to me or give it to Bryant.
Q You never discovered that he was such a bad man until after your judgment was rendered? A I know he was not of good character.
Q Are you and Brought, this man who testified for the Cherokee Nation, on speaking term s? A Hardly speak.
Q Does he refuse to speak to you? A So etimes he does.
Q Do you refuse to speak to him? A Yes sir.
Q Have you been speaking to him for the last two or three months? A I have not spoke to him until I met him there at the hotel the other day.
Q First time you spoke to him since he had the boy arrested? A Yes sir.
Q When did he have the boy arrested? A Along in September or October, September I think.
Q When did Dr. Baker die? A I don't remember.
Q You don't remember how much older your father was than you? A No, I don't know.
Q What is your age? A I will be 60 in May.
Q Then you were born in '42? A Yes sir, '42 according to the record.
Q Was your father as much as 25 years old when you were born? A I couldn't say.
Q What was your best judgment? A I suppose he was 20 or 25 years old. My understanding he married young.
Q Can't you give any better idea than 4 or 5 years of your father's age? A I say 25.
Q Your father was born say, 25 from 42 would have made him be born in 1817; now had your father any older brothers or sisters? A I think Jack Dawson was the oldest of the family, no, Betty, the girl, was the oldest and Jack next, and then my father as well as I remember about it.
Q There were two girls older? A No, one of the girls I never saw.
Q Then you think there are only 2 older than your father? A Yes, that's my understanding of the family.
Q Dr. Baker gives his age 77 in '82, which would make him be born in '89, now he states that when he was 15 or 16 years old, which added to 1809, will make 1824, that your grandmother Anna Priet, was a school girl; whereas from your testimony and that of the family history introduced here shows that your grandmother Anna Priet was the mother of seven children, the youngest being born in 1822, how do you reconcile that? A I don't remember about the statement of Dr. Baker; I don't know that he made such statement as that, I don't remember about it.
Q And if he did you don't know how to reconcile it? A (No response.)

Q Did you talk to any of the members of the Court that visited you? A No sir, I was not acquainted with them.
Q You know whether they were old or young men? A They were old men like; Steve Tehee, I got acquainted with his name, and To ie Thompson, at the Court if you know I was there [illegible].

Q That was the fellow that was on the Court? A Yes sir.
Q He was afterwards assistant Chief of the Cherokee Nation?
A I think so.
Q Steven Tehee, that's the man you had reference to? A Yes sir, I think it was, I just knew the man; I had no acquaintance with him at all.
Q D. W. C. Duncan boarded when you were down there at the National Hotel? A I think he did, as well as I remember now when we were admitted.
Q Don't you know he did? A I think he did, as well as I remember.
Q Were not you over there to his room? A I think I was.
Q You remember when it was that you brought Dr. Baker down there to make a statement before the Court? A It was in January, Term, was in January Term of 1883 I believe, it was, as well as I remember about it.
Q Said you didn't take any more testimony after Dr. Baker testified?
A No sir, I didn't.
Q But your case was not submitted or passed upon for a year?
A I think it was, yes sir, as well as I remember.
Q I would like to ask you when the Blassingame family came to the Cherokee Nation? A Alex Balsingame came with us when we moved here, and went back and got his family and moved that fall.
Q Did he move his family here that same fall? A Yes sir.
Q What year was that? A In the fall of '83 I believe it was, as well as I remember now.
Q When did the Sulaska family come? A I think the girl and the old lady came in the next spring.
Q How long did they remain that time? A The old lady stayed here, but the girl went back and in a short time after and her husband came back.
Q Did she come back until after her marriage? A No, she was married when she came first.
Q The last time? A She was married I think, she was married when she came out.
Q How long has August Sulaska been a permanent and continuous resident of the Cherokee Nation? A I think he came there in the fall of 1884 or 1885, I wont say which.
Q How long has Robert Pierce been a continuous resident of the Cherokee Nation? A Ever since he was admitted.
Q When was that? A '83.
Q How long has Martin L. Patterson? A Ever since he married his wife, and he was living here before he married his wife.
Q Who is Arizona Airey? A That is my daughter.
Q Did you bring her with you? A No not when I moved.
Q When did she come? A She came out in a year or two after I moved here.
Q Was she married when you moved here? A No sir, she was not married.
Q She was not married when you were admitted? A No sir, she was a child.
Q When did Jim Lowe come to this country? A With his grandfather, James Dawson.
Q What was his mother's name? A Melvina Dawson.
Q You know Jim Lowe's age? A No sir.
Q Don't know how old he was in '83? A No sir.
Q Was he grown? A I think he was.
Q Married? A No no.
Q Married in this country? A Yes sir
Q Who is Jennie M. Harmon? A Married one of the Dawson girls.

Q When did they come to this country? A Right many after they was admitted.
Q In what years A I think in the winter of '94, I think it was, during the winter of '94.
Q You know Gideon Graham? A Yes sir.
Q Who is his mother? A Missouri Ann Graham, formerly Missouri Ann Dawson.
Q Did he come from Texas to Arkansas? A Come from Texas.
Q Did you know their in Texas? A I knew the girl.
Q You never knew the family they come in this country? A I never knew dic.
Q When did you see him here? A I think they come here in the fall or winter of 1894 or '5.
Q He was married then? A I think he was.
Q Brought his wife? A I think he was, I don't know.
Q Did he have any children when you first saw him? A No sir, to I knew and I never saw his family for I don't know, for several years.
Q You understood he had a family? A Yes sir.
BY MR. McKENNON:
Q Did you mean to say '84 or '94? A '84.
Q Did you see Gid Graham in '84? A '34, but I study, maybe '85. BY MR. HASTINGS:
Q Did you see him in '85, are you positive on that proposition? A I think so.
Q Will you swear it? A No sir, I wont positive swear it, but I think it was, as I remember now it was I couldn't say positive.
Q All the people Mr. Dawson that have been admitted to citizenship by courts of competent jurisdiction unless they were de-citizenised by courts of acquired jurisdiction, enjoyed the same privileges that you have narrated here about going to each of and being tried in the courts? A Yes sir.

Q All that sort of thing that you have been telling here in your direct examination? A Ask me the question again.
Q I say all people who were admitted here by courts of competent jurisdiction, until they were de-citizenised by courts of like jurisdiction, enjoyed the same privileges that you did? A So far as I know they was.
Q They all drawed money and all tried in the courts as long as we had tribunal courts, were they not? A Yes sir, so far as I know.
Q There was no special privilege granted to you in preference to anybody else? A None but recognized citizens of the Cherokee Nation.
Q Well you had been recognized since you were admitted? A Yes sir; I enjoyed the same privileges of native born Cherokees.
Q Well I say there is nothing special about it? A No, I don't know of there is.
Q You got acquainted with Mr. Duncan while you were up there during the hearing? A Yes sir, I was acquainted with him, knew him, when I saw him.
Q Mr. Bill Ross did the examination of Dr. Baker? A Yes sir.
Q Did you file any other paper before the Court other than your petition and then Dr. Baker's statement? A I never filed any petition there at all.
Q None whatever? A I don't remember any.
Q Well you never had occasion to file any papers before Mr. Duncan? A I got him to do some writing for me.
Q What? A Letters to my brother in Texas.
Q Buck Dawson? A Yes sir, B. Dawson.

Q That? A Yes sir, Buck Dawson.
Q Well is that all he did for you? A I don't remember now about it.
Q Why didn't you get your attorney to do that letter writing? A There was not any there.
Q Taylor nor Benge was not there then? A No sir.
Q That is what you paid the 20 or 25 dollars for, was writing this letter back to your brother? A I paid him for that claim.
Q When did you pay that? A I think I paid it, I don't exactly when, Camp Taylor paid it a year or two after I moved out here and settled where I did; might have been 2 years. I don't remember.
Q Where was Duncan living then? A I couldn't say where.
Q Was he still clerk of this Court? A No sir, not when that money was paid; that is, when Camp Taylor said he paid it.
Q You did send Camp Taylor such money? A I sent some money to him for Joel Bryant.
Q You knew Joel Bryant's address didn't you? A No, I don't know that I did, No I didn't send Camp Taylor any money, I gave it to him.
Q How much did you give him? A One Hundred dollars.
Q When? A Right at that time; he claimed it from me as soon as we got our papers; he came onto me and dunned me for Bryant.
Q You never sent him any then after that? A No sir.
Q Did you ever see Bryant after that? A Yes sir
Q How long after that? A I don't know, a year or two afterwards. a year I believe, my brother wrote, I wrote to my brother about paying Camp Taylor money and he went onto my brother about it and he never paid him until we moved out to this country.
Q After all that you got him to attend to your uncle Jim Lawson's and the other relatives cases? A The other parties did.

BY MR. McKENNON:

Applicants object to all that part of the witness' evidence in response to interrogatories by representatives of the Cherokee Nation which relates to the character of the evidence upon which the judgments admitting members of the James and Robert Dawson families were admitted, and to the history of the members of the Dawson family, because the same is immaterial, incompetent and irrelevant.

BY MR. McKENNON:

Q One question I omitted to ask you Mr. Dawson, as to the Court at the time the judgment admitting Robert Dawson's family was rendered, who of the judges were present on that day? A They was all three of them, Wolfe, Tobin and Thompson.
Q Are you positive of that fact? A Yes sir.
Q You do not know this Andrew Dawson family who applied to the Dawes Commission for Cherokee citizenship, and who stated that they are cousins of some members of your family? A Andrew?
Andrew J. Lawson, who claims to be from Missouri? A No [illegible] this question?
Q You do not know them do you? A I don't [illegible]
Q You don't know that they are related to you at all? A No sir.
Q This Mary Lawson case, do you know the members of that family? A No sir, I don't.
Q Don't know who they are? A No sir.
Q The Rebecca Dawson case? A I don't know her either.
Q You don't know whether they are related to you or not?
Q If they [illegible] you have [illegible]

Q Jonnie Barber, do you know anything about them? A They claim to be kin to me.
Q Where are they from? A They are from Texas.
Q Do you know they were related to you? A They claim to be kin.
BY MR. HASTINGS:
Q Tell your story now like before the Commission? A Yes, they claim to be kinfolks of mine.
BY MR. McKENNON:
Q Irene J. Harper, who is that? A That is a cousin of mine; claims to be.
BY MR. HASTINGS:
Q You testified for her didn't you before the Commission? A I think I did as well as I remember.
BY MR. McKENNON:
Q Before the Court that audited Jim Dawson auxiliary, who were the witnesses there? A Oliver Miller, from Sallisaw, Arkansas.
Q Who were the others? A Myself and J. Dawson and there was two other witnesses, I don't remember who they are.
Q Were they Cherokee citizens and residents of the Cherokee Nation? A Yes sir.
BY MR. HASTINGS:
Q You don't remember their names? A Which?
Q Of these other people who claimed to be citizens of the Cherokee Nation and who were witnesses? A I said about me and J. Dawson were citizens of the Cherokee Nation.
Q You only proved that Jim Dawson was a brother of Robert Dawson before the Court? A Yes sir.
Q And then referred back to the decision in the Court before? A We proved that they were citizens, and he knew my folks before he ever came here.
Q Was he older than Dr. Baker? A About the same age.
Q Why didn't you get Oliver Miller's testimony in the Hensley case?
Q He was dead.
Q You and no member of your family in the Irene Hensley case or the Jonnie Barber case or any of those cases that were tried before the Dawes Commission in your affidavits ever had reference to the fact that Oliver Miller testified in Jim Dawson's case in '84 did you?
A I don't remember about that.
Q You did make reference to the fact that Dr. Baker testified there in '83, didn't you? A I don't remember about that now.
Q You never made reference to any other witness having testified other than Dr. Baker didyou? A I don't remember about it now.
BY MR. McKENNON:
Q You just one other question: All of these papers in the original application and everything, so far as you know, in the Jonnie Dawson case, were filed before the Commission which admitted the Jonnie Dawson family, are lost or mislaid are they not? A I suppose they are, I don't know, I never saw them.
Q Have you tried to get copies of them? A Yes sir, I tried to get the original papers.

BY COMMISSION: This case is continued until 8:30 a.m., tomorrow morning, March 30th, 1932, it now being the hour for adjournment.

MARCH 30, 1932,- 8:30 a. m.- F. J. DAWSON again on the stand, testifies as follows:
BY MR. McKENNON:
Q There was your brother Bob Dawson raised? A In Arkansas.

Q What County? A Carroll.
Q How is town? A Berryville.
Q Did Dr. Baker live at Berryville? A Yes sir.
Q Was your brother intimately acquainted with Tom Dawson? A Yes sir.
Q Did he know him sufficiently to be able to tell his character and habits of life? A Yes sir.
Q Do you know Josephine Pierce? A Yes sir.
Q Whose daughter was she? A Robert Dawson's.
Q Is she the same identical person who is called Josie Pierce, and Josie Dawson? A Yes sir.
Q Is there any other Josie Pierce or Josie Dawson or Josephine Pierce or Josephine Dawson? A I don't know but the one.
Q She was also called Josephine or Josie Kelly? A Yes, after she married; her first husband was Pierce.
Q And her second husband A Tom Kelly.
Q There was another Josephine Dawson wasn't there, Bulaski's wife? A Why they called her Joe, I suppose that's her name, I could not be positive; that was Rile Dawson's daughter, August Bulaski's wife.
Q She is much younger than your sister, Josephine, above referred to? A Yes sir, oh yes.

BY MR. HUTCHINGS:

Q Where were you born, Mr. Dawson? A Carroll County, Arkansas.
Q You know how old you are? A 42.
Q 42? A I think so.
Q How many older children were there of your father's than yourself? A Three.
Q Which were they? A E. Dawson, Riley Dawson and Jasper Dawson.
Q You are the fourth child and the fourth boy? A Yes sir, I am the boy.
Q Where were your father and mother married, do you know, from family history? A I think it was in Arkansas, I couldn't be positive, I think they was.
Q Do you know how long your grandfather lived in Arkansas? A No sir I don't.
Q Don't know what year he came to Arkansas? A Only from statement.
Q Well what did they say about it? A I think they came there in '30.
Q You know whether your father was born in Arkansas? He many of your grandfather's children were born there? A There was some of them born in Arkansas according to history and according to what he always told me, they were born in Tennessee.
Q He came there in '30, and all the other children were born on the Kiwassa River in Tennessee, before he ever came? A That is not I think, yes sir. Now I am not positive about that. They were from Tennessee, but either Dr. Baker lived there or my folks or some one there; I don't know as I remember that I ever heard my father say where he was born at.
Q In Tennessee or where; he said he was a good big boy when he came to Arkansas? A I don't know as I ever heard him say.
Q Do you know the difference in the ages of yourself and your three older brothers? A No I don't.
Q Don't know the time that are in between you? A No I don't know that; I think it is about two years though.
Q That would make E. Dawson about eight years older than you, probably? A Yes sir.

BY MR. McKENNON:
Q Did Josephine Pierce have a daughter who married Mr. Bogle?
A Yes sir.
Q What was her name? A I always knowed her by Josie Pierce; I don't know whether that is her right name or not.
Q That is Bogle's name? A John Bogle.
Q She is the child of Josephine Pierce who married John Bogle?
A Yes sir.
BY MR. HASTINGS:
Q Where did she marry John Bogle? A Near Afton.
Q When? A I couldn't state.
Q About when? A You have got a copy of the marriage license.
Q When did Josephine Pierce come to the Cherokee Nation? A '83.
Q Has she lived here continuously since that time? A Up until her death; she is dead.
Q Any of her children come with her at that time? A Yes sir.
Q And have they lived here continuously since that time? A Yes sir, except Bill Pierce, he went to Colorado and died.

J. C. STARR, being first duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q Your name is J. C. Starr is it? A Yes sir.
Q Mr. Starr, was that instrument taken by you, or before you? (Showing witness document.)
A Yes sir.
Q Where? A At the residence of S. H. Benge near Fort Gibson.
Q When? A On the 15th day of this month.
Q What day of the week was that? A On Saturday.
Q Is that the day it was taken? A Yes sir.
Q Did you go there on Saturday to take this? A Yes sir.
Q Then when Judge Benge stated on Tuesday that it was taken "yesterday" meaning Monday, the 17th, he was mistaken, was he?
A It was taken Saturday, the 15th.
Q Was he mistaken or not? A It was not taken then.
Q Then his statement made on Tuesday the 18th that it was taken on "yesterday", meaning Monday, the 17th, was not correct, was it?
A I think not, because I was there, and it was taken on the 15th.
Q And it was taken on the 15th, you are positive it was taken on the 15th? A Yes sir.

Q Then of course his statement could not be correct? A I was not.
BY MR. HASTINGS:
Q He was just mistaken about the date, wasn't he? A Yes sir.
BY MR. McKENNON:
Q Did you tell Charles T. Moore who is now present, on last Friday that they sent you out there on Monday to take that? A No sir.
BY MR. HASTINGS:
Q I sent you there last Saturday? A Yes sir.
Q And you went there at my direction, didn't you? A Yes sir, and came back Saturday night.

ROBERT L. DAWSON, being first duly sworn, and being examined testified as follows:
BY MR. McKENNON:
Q What is your name? A My name is Robert L. Dawson.
Q What is your age? A I was born in 1880, which would make me 39 past.

Q Are you a son of E. Dawson, commonly known as Buck Dawson?
A Yes sir.
Q I will ask you if you will examine this letter sent with the enclosure and state whether or not you found that among the papers of your father after his death? A (Hands letter to witness who examines it.) A Yes sir, I found this amongst the papers of my father. He always kept all his own papers, and in looking over them I saw this letter.
Q Has that been in your custody ever since you found it? A Yes sir, if that's the letter that was in the envelope.
Q Well that's what it is, you can tell whether it is or not. (Witness further examines letter.) Q That purports to be a letter from Samuel H. Benge, does it not, to your father? A Yes sir. (Here application attorney hands letter and envelope referred to to attorneys for Cherokee Nation.)

BY MR. McKENNON: I want to offer this letter in evidence in this case: it is a letter signed by S. H. Benge, attorney at law, dated Fort Gibson, C. N., Jan. 13, 1883. Addressed to Mr. E. Dawson, Esq., together with the envelope, in which it was enclosed, with the card of C. M. Taylor found in, attorney at law, Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T., January 15.

BY MR. HUTCHINGS: The Nation objects to the introduction of this letter for the reason that S. H. Benge is living and has testified in this case, and his handwriting should be either proven or denied by him self.

G. W. BENGE, being first duly sworn, and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A G. W. Benge.
Q Are you a son of Samuel H. Benge? A Yes sir.
Q Do you know his handwriting? A I believe so.
Q Is that his handwriting? (Shows witness letter before referred to.) A Yes sir, it is either his or a resemblance of his.
Q To the best of your knowledge and belief is that his letter?
A Yes sir.

BY MR. McKENNON: Now we offer it in evidence.

BY COMMISSION: (Reading letter)

"Fort Gibson, C. N.,
Jan 13th, 1883.

Mr. E. Dawson, Esq.,

Dear Sir:- I write this note to inform you that your case came off before the Court on citizenship on the 11th inst, and was decided in your favor, so you all are citizens of this Nation. F. M. Dawson was furnished with a copy of the decision at the court. He will write to you also. You will please send me fifty dollars as my fee in your case according to contract. Send it to Fort Gibson, Cherokee Nation.

Respectfully yours,
S. H. Benge,
Attorney at law."

Enclosed in envelope, as follows:
Card in upper corner, left hand:
"Return in ten days to C. M. Taylor,
Attorney at Law,
Tahlequah, Ind. Ter."
Addressed: "E. F. Dawson

Henrietta,
Clay Co., Texas."

Post-marked: "Tahlequah, Jun 17 IND T."

ROBERT L. DAWSON, pre-called and further examined, testified as follows:

BY MR. McKENNON:

Now examine that and see if that is also a paper which you found among your father's papers after his death? (Hands papers to witness) A That is the same letter that I found.

Q Among the ones that you found the Benge letter? A Yes sir.

BY MR. McKENNON: This is a letter purporting to have been written by J. M. Bryan, to R. Dawson, dated at Chouteau Station, Cherokee Nation, and not dated, which we offer in evidence. (Applicants' attorney hands said paper to Nation's attorneys.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSION: (reads letter)

"Chouteau Station, Cherokee Nation.
I. T., M. K. & T. R. R.

MR. Dawson:

Dear Sir:-

I am in receipt of your favor of the 30th inst in regard to our contract.

After I had got the claim so there would be little more to do I employed Campbell Taylor to answer for me when the case came up, for which I was to pay him $20 out of my fee.

This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, or that you was to pay him $100- and that you had offered him a check on some bank in Texas.

That $100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

And I am satisfied that you are apprised of the earnest work I done for you, Please write to me.

Very respectfully,
Very truly,
J. M. Bryan."

Q I will ask you if you know of your father having paid Bryan what money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A No, I don't know whether I know his age or not.

Q If you don't know you can't say? A I wouldn't have no reason to know his age; never asked him his age; of course I guess my mother knows.

Q Never had occasion to talk about his age at all? A Oh I have heard him speaking of his age at different times, but then I never paid enough attent on to it.

Old Graham, being first duly sworn and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A Old Graham.

Q How old are you? A Mr. Graham? A I am 56 years old.
Q How long have you been living in the Territory? A I came out here in 1887 or '88.
Q To the Cherokee Nation? A Yes sir.
Q How long have you been living in the Cherokee Nation, what year was that '87 or '8? A Yes sir.
Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.
Q How long did you live in the Cherokee Nation? A About 6 years.
Q Where did you go then? A Wagoner.
Q In the Creek Nation? A Yes sir.
Q And been residing there ever since? A Yes sir.
Q In business? A Yes sir.
Q Have you all the while been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q Mr. Graham, do you know Judge Samuel H. Benge? A Yes sir.
Q Did you have a conversation with him in Fort Gibson about September of 1900? A Well as to the exact time I couldn't say, it was sometime about the time that the Dawes Commission were at Sallisaw, or possibly a little later, somewhere about there.
Q Taking the census of the Cherokees? A Yes sir,
Q At that time had the question of the validity of the judgment of the Cherokee citizenship commission admitting Robert Dawson and family been called in question? A Yes sir.
Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.
Q What did he tell you about it; well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A He did.

BY MR. HUTCHINGS:

Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?
Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.
Q And he told you the judgment was all right? A Having known that Mr. Benge was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I might want his affidavit concerning the matter, and I also I think maybe wrote to him; possibly prior to that, I am not sure as to the writing, but I think possibly I did.
Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would use him in person; he assured me that everything was all right.
Q Your mother was Missouri Dawson was not she? A Yes sir.
Q Her name was Missouri Graham when she was re-admitted to citizenship? A Yes sir.
Q And was not Missouri Dawson as named in that judgment? A Yes sir.
Q Do you know whether the other children named in there had married and changed their names also at the time they were admitted? A There were not any of them married.
Q Ella Dawson was your aunt? A Yes sir.
Q Was she married at that time? In 1883? A Yes sir.
Q Melvina Dawson, was she married at that time? A Yes sir.
Q And the fourth one you have mentioned, Missouri Dawson, was your mother? A Yes sir.

Q Can you give us the exact date of your birth? A Yes sir.
Q Do so, please? A January 21, 1867.
Q And you came to the Territory when? A In 1887 or 1888.
Q You can't make that any more definite? A Well sir, it has been a good while ago, and I didn't have anything to cause me to.
Q Well I just want to know whether you did have or not? A No sir.
Q When were you married? A 1886.
Q You were married prior to coming here? A Yes sir.
Q Your first child born away from here? A Yes sir.
Q What is its name? A John W.
Q '86 you were married, and he was born about the spring of '87?
A Somewhere in 1887, I don't remember.
Q Prior to your coming here? A Yes sir.
Q That is the only child you had that was born away from here?
A No sir, Julius.
Q Julius was not born in the Territory? A No sir.
Q And prior to the time of your removing to the Territory? A Yes sir.
Q These are the only children born out? A Yes sir.

BY MR. McKENNON:

Q Do you know Campbell Taylor? A Yes sir.
Q I will ask you if about February 1901, he came to Wagoner, and sent his son to have you come to the hotel at night where he was, and if he then and there said to you "You people are on the doubtful list, and if you will give me five hundred dollars I will make it all right and see that you are enrolled, and if you don't I will see that you don't get on".? A Well now as to the first part of thatquestion, where you say he sent his son; that is an error; I don't know whether he came to my house or sent some one; when I returned home that evening my wife told me there was some one there to see me, and was at the city hotel at Wagoner, and said come down and see him; I went down there; I never had met Taylor; he introduced himself to me and stated what his business was; asked me if I was on the doubtful list, etc., to which I replied that we were; he asked me if I didn't want to employ him, stating that if we would give him, our family would give him five hundred dollars he would see that we were placed on the rolls all right, but if we refused to give him five hundred dollars that he would use his influence against us and see that we were rejected.
Q You never had met him before, or had any communication with him?
A I never met him before; as to the communication, I may have written him something about his affidavit as to the validity of that judgment, I can't say as to that. He said in his testimony that I did; I don't know whether I did or not now.

BY MR. HUTCHINGS:

Q You knew he was the attorney in the case, originally? A After looking at the records I did.
Q I mean you knew it at the time you wrote to him about the affidavit; that was the reason why you thought he would know something? A Certainly.
Q He never told you he was going to swear against you or threatened to tell anything that was not true? A He just simply said unless we gave him that five hundred dollars he would see we were all cut off the rolls.
Q Said he would use his influence against you, that is what he said? A Yes sir.

BY MR. HASTINGS:
Q You don't deny writing to him then for the affidavit? A I don't say I did or I did not; I neither affirm it or deny the question.
Q You went to Captain Benge and also wrote him with reference to what he knew about the cases? A I don't know whether I wrote him or not, I said I had rather the impression I wrote him so.
Q You went to see Jackson Mather, who was interpreter before that court that admitted you? A Yes sir.
Q And you went with Aaron Butler to see Jim Smith, attorney before that court? A Yes sir.
Q And you either wrote or went to see everybody you knew of that was before that court then? A Yes sir.
Q That shows you used considerable activity? A Yes sir, I used such activity as was to my interest.
BY MR. McKENNON:
Q That was all after the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof which as had appeared before the 30 resolution had been placed upon a conditional card? A Yes sir.
Q Then you began to look up the evidence and see what there was in it? A Yes sir.
Q As Mr. Hastings has stated? A That's right.
BY MR. McKENNON:
Q You are a grandson of James Dawson? A Yes sir.
Q The old gentleman? A Yes sir.
Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1884, wasn't it? A Yes sir, well I can't be exact as to that.
Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.
Q Well what other James Dawson did you know belonging to the families, either one of these families, Roberts Dawson family or the James Dawson family? A I never knew of but two James Dawsons.
Q Who were the others? A Dr. James R. Dawson, who is present and standing right here; my grandfather, James Dawson.
Q Was there in '84 any James R. Dawson 35 or 40 or 45 years old, that you know of, belonging to either one of these families? A No sir.
Q Do you know how old Dr. James R. Dawson was that time? A James Dawson? Q No I am speaking of Dr. James R Dawson? A Oh, how old he was, no sir, I do not.
BY MR. HUTCHINGS:
Q Do you know who was here attending to your mother's citizenship case at that time, at the time they were admitted? A Yes sir, James Low and Bill Jackson, son of Ellen Jackson.
Q Who was W. A. Dawson? A That is Wilburn, my uncle.
Q Was he here? A I don't know sir.
Q You were not here any of the time? A No sir.
Q You knew your grandfather then, you had lived in the same neighborhood with him? A Yes sir, I knew him well.
Q He didn't die for a year or two after that did he? A After when, Mr. Hutchings?
Q After his admission to citizenship? A No sir, he didn't die I think until '91 or '90, several years after.
Q Very old man when he died? A Yes sir.
BY MR. McKENNON:
Q About what age? A He was approximately 80 years old.
BY MR. HUTCHINGS:
Q When he died? A Yes sir.

BY MR. HASKINS:
Q That about 1891? A I think so, yes sir.
BY MR. McKENNON:
Applicants object to the testimony of the witness elicited by interrogatories of Counsel for the Cherokee Nation relating to his family, their history, etc, as being immaterial, irrelevant and incompetent.

James R. Dawson, being first duly sworn, and being examined, testified as follows:
BY MR. McKENNON:
Q Your name is James R. Dawson? A Yes sir.
Q Where do you live? A Afton, Indian Territory.
Q What is your age? A 45.
Q You are a physician are you not? A Yes sir.
Q Was James Dawson, whose family was admitted in 1884, an uncle of yours? A Yes sir.
Q Do you know what his age was at that time? A No sir, I do not, only approximately.
Q State as nearly as you can? A At the time of theadmission?
Q Yes sir? A About 70, I don't know exactly.
Q How old was he when he died? A I would suppose he was about 78.
Q What was your age in 1884? A I am 45.
Q What year were you born, Doctor? A I was born in '85.
Q That have been '56? A Yes sir, that's right.
Q What was your age then? A In '84?
Q Yes sir? A About 28.
Q Were you present at the time that James Dawson family was admitted, or at any time while their case was pending before the Cherokee citizenship commission? A Not while the James Dawson case was, no sir.
Q You were present during your father's case? A I was there at the time.
Q When was that? A The date I disremember; when the case first come up, I disremember the exact date.
Q How long were you there? A I was there about a week.
Q Was that when it first came up you say? A Yes sir.
Q Nothing was done? A No sir.
BY MR. HUTCHINGS:
Q You never saw Dr. Baker? A Yes sir.
Q Did he and your uncle Jim ie us d to talk about how they played together when they were boys? A My uncle Jim and Dr. Baker talk?
Q Yes? A I never saw them together.
Q They were about the same age? A Yes sir, I believe Dr. Baker was 15 years older probably.
Q Dr. Baker must have been mistaken about his own age? A Guessing, that's all I know about his age.
Q The Doctor had been paralyzed, rather a decrepit looking man at the time he was over here at this citizenship business? A No sir, not as I know anything about.
Q He was near about 70 then? A I couldn't tell you, he was an old looking man.
Q Your uncle Jim ie was about 70? A Yes sir.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

W. W. HASTINGS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS:

Q State your name? A W. W. Hastings.
Q Residence? A Tahlequah, age 35.
Q You are attorney for the Cherokee Nation in the general preparation of these cases? A Yes sir.
Q Just state how it happened that you summoned Mr. Campbell Taylor, and what occurred between you with reference to his testimony?
A Well there had been some talk, as the testimony here indicates, that there was perhaps fraud in the admission of this family, and by agreement with counsel on the other side, and the Commission, this case was set for the 17th day of March, and some short time prior to that, as the attorney for the Nation I began to make some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote C. H. Taylor to come down here. I don't think in that letter that I told him what I wanted with him. I don't think I told him the case that I wanted him to testify in; that is my recollection now. Mr. Taylor prior to that time, neither directly nor indirectly, so far as I know, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I summonsed him; perhaps the fact that I knew he had been connected with them in some way and that I perhaps also would get some information from him. Well he came in response to a letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe he could be compelled to testify, and that is he was put upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length; I asked him what he knew about it; of course he for a long time declined to tell me; and what information I did get from him was by piecemeal. He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him.
Well we talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he detailed to me the facts just as he told them on the stand; I don't believe there is the slightest variation, except that he perhaps was not so full at that time and it was told by piecemeal, but I got all those facts out of him, or very nearly all those facts out of him. He may have elaborated a little more here by examination; but he never voluntarily gave me any information at all, either directly or so far as I know indirectly. I don't think he sent any one to me. I got his name because I heard he was connected with the case, and perhaps knew something about it, like I did a great many other people, some of whom I didn't bring, because they didn't know what I supposed they did know about the case.

With reference to S. H. Benge, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. C. Starr over to S. H. Benge's place to take his affidavit on Saturday, March 15, in the W. H. and J. W. Shoemake case, and their descendants. I had heard that Mr. Benge knew some important facts in connection with the Shoemake case and I sent him over there then to take that affidavit; and when Mr. Starr came back he told me that he knew some facts also in connection with these other cases, and I was surprised to find he had instead of one affidavit, in the Shoemake case, that he also had another affidavit in the Dawson case. That is the first information I had that Mr. Benge knew anything whatever in connection with the Dawson case, and therefore he never voluntarily, either directly or indirectly gave any information prior to that time to me.

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not seeking anything else but the truth, and didn't want him to tell anything else but the truth.

I want to say again that after he was on the stand and left that evening, and after Captain McKennon, or counsel for the family had indicated his willingness for Mr. Taylor to testify, that he went over all of these facts that he testified to on the stand subsequent to that time in the presence of J. C. Starr in my office. I simply wanted to go on the stand for the purpose of showing that Mr. Taylor hadn't voluntarily given me any information, and I make this statement for that purpose.

BY MR. McKENNON:

Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the persuation that I brought to use.

Q He therefore did it simply upon your pursuation? A Yes sir.

Q You knew he had been acting as attorney for these parties?

A Yes sir, I had seen from the record that he did too.

Q And he told you so? A Yes sir.

BY COMMISSION: The attorneys for the applicant and the representatives of the Cherokee Nation will be granted thirty days from the receipt of the transcript in this case in which to file a brief in this case with the Commission.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. Green.

I, Arthur P. Evans, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing, and that the same is a true and complete copy of the original.

Arthur P. Evans.

Subscribed and sworn to before me this 16th day of December, 1902.

F. B. Jones
Notary Public.

File with Cherokee D-847, William C. Lenox, et al.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Francis M. Dawson, et al for enrollment as Cherokee citizens, consolidating the applications of,

Francis M. Dawson et al	Cherokee	D.	524
John Dawson,	"	D	580
William G. Dawson,	"	D	581
Andrew C. Atkins, et al	"	D	584
Francis M. Dawson, Jr.	"	D	588
Arizona Allred, et al	"	D	835
Samuel R. Dawson, et al	"	D	550
Robert Dawson,	"	D	562
Albert H. Dawson, et al	"	D	563
August Bulawsky, et al	"	D	565
John W. Dawson, et al	"	D	482
Katie Newman	"	D	402
John Dawson, et al	"	D	579
Thomas P. Dawson, et al	"	D	360
Orle H. Dawson, et al	"	D	559
Robert Pierce, et al	"	D	408
William Pierce,	"	D	409
Charles E. Pierce,	"	D	431
Ona Gray, et al	"	D	471
Effie Pierce,	"	D	472
John S. Bogle, et al	"	D	479
Joseph H. Dawson, et al	"	D	564
Wilborn Dawson,	"	D	475
Charles T. Moore, et al	"	D	518
James R. Dawson, et al	"	D	526
Henry A. Blasingame, et al	"	D	832
Elbert L. Blasingame, et al	"	D	833
James R. Blasingame, et al	"	D	834
Martin L. Patterson, et al	"	D	435
William C. Dawson, et al	"	D	604
Robert L. Dawson,	"	D	605
Elbert B. Dawson, et al	"	D	608
Richard W. Dawson, et al	"	D	617
Ella L. Spickerman, et al	"	D	626
Francis M. Dawson,	"	D	627
Sarah J. Dawson,	"	D	608
John W. Graham, et al	"	D	23
Gideon Graham, et al	"	D	38
Mathew A. Painter, et al	"	D	836
Charles T. Bradshaw, et al	"	D	1124
Joe B. Graham, et al	"	D	1125
John F. Graham, et al	"	D	1126
Joe Willie Neal	"	D	1127
James M. Graham, et al	"	D	1128
Green W. Jackson, et al	"	D	393
James H. Harmon, et al	"	D	476
Tennie A. Jackson,	"	D	508
Lizzie Jackson, et al	"	D	830
William C. Lenox, et al	"	D	847
James Lowe, et al	"	D	939
Millie T. Dawson,	"	D	403

Roxanne Woolley, et al.,	Cherokee	D	406
Henry T. Richardson, et al.,	"	D	715
Rita Brauer,	"	R	12
Melissa A. Benson,	"	R	15
Alonzo M. Fishbeck, et al.,	"	D	365
Hiram F. Keeler, et al.,	"	D	581
William B. Douthitt,	"	D	522
Florence Morgan, et al.,	"	D	727
John B. Fishbeck,	"	D	646
George A. Mabry, et al.,	"	D	970

D E C I S I O N.

It appears from the record herein that applications were made to this Commission at the times and places hereinafter mentioned for the enrollment of the following named persons as citizens of the Cherokee Nation:

D 524 By Francis M. Dawson, son of Robert Dawson, at Vinita, Indian Territory, on September 17, 1900, for the enrollment of himself and his minor children, Lula, May, Jessie J., Jacob L., Hugh A. and Laura A. Dawson as citizens by blood, and for the enrollment of his wife Mattie Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 20, 1902.

D 580 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 1, 1902.

D 581 By William M. Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his wife, Fannie Dawson as citizens by blood. Fannie Dawson has been differently classified and is not embraced in this decision.

D 584 By Andrew C. Atkins, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Lizzie Atkins and his minor children, Arthur, Edna E., Edward C. and George J. F. Atkins as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 18, 1902.

D 588 By Francis M. Dawson, Jr., son of Francis M. Dawson and grand son of Robert Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood.

D 333 By Francis M. Dawson, Sr., at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of his daughter Arizona Allred and his grand-son William C. Allred as citizens by blood.

D 350 By Samuel R. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his two minor children August and Nate Dawson, as citizens by blood, and for the enrollment of his wife Catherine Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 3, 1902.

D 352 By Robert Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by blood.

D 358 By Albert H. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his minor children Ralph H., Alford and Cecil Dawson as citizens by blood, and for the enrollment of his wife Sarah F. Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 31, and October 3, 1902.

D 365 By August Bulawsky, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for his wife Josephine, and his minor children Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.

D 482 By John W. Dawson, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Nannie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 402 By Charles J. Newman, for the enrollment of his wife Katie Newman as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, 1902.

D 578 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his minor children Robert B., Iola M., Lemuel H., Rosa B., Charles B., Hattie J., Jennings B. and James U. Dawson as citizens by blood, and for his wife Sarah J. Dawson as a citizen by intermarriage. On November 20, 1901, an affidavit was filed for Vergal C. Dawson, a ninth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 20, 1902.

D 360 By Thomas P. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his minor child Marice J. Dawson as citizens by blood.

D 530 By Orle H. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his minor child, Burr R. Dawson as citizens by blood. On October 31, 1902, a birth affidavit was filed for James W. Dawson, a second child of the applicant.

D 408 By Robert Pierce, at Vinita, Indian Territory, on September

24, 1900, for the enrollment of himself and his minor child Myrtle as citizens by blood, and for the enrollment of his wife Nellie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 5, 1902. On January 9, 1903, an affidavit was filed showing the birth of Arthur Pierce, a second child of the applicant.

B 409 By William Pierce, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D 431 By Charles H. Pierce, at Vinita, Indian Territory, on September 25, 1900, for the enrollment of himself as a citizen by blood.

D 471
D 472 By John B. Gray, at Vinita, Indian Territory, on September 28, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Oma Gray, his minor child, Cecil Gray, and his sister-in-law, Effie Pierce (now Effie Akin), as citizens by blood. John B. Gray is differently classified and is not embraced in this decision. Further proceedings were had in the matter of this application at Vinita, Indian Territory, on October 4, 1900, and at Muskogee, Indian Territory, on July 21, 1902. On February 18, 1903, an affidavit was filed showing the birth of Velton Gray, a second child of the applicant.

D 479 By John S. Bogle, at Vinita, Indian Territory, on October 2, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nancy J., and his minor children, James E., Edna N., John H., Marvin R. and Claud Bogle as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902. On October 31, 1902, a birth affidavit was filed for Nancy Edith Bogle, born since the date of this application.

D 364 By Joseph R. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his five minor children, Clarence E., Council J., Elmer A., Cleo, and Rufus T. Dawson, as citizens by blood, and for the enrollment of his wife, Florence Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 19, 1901, and at Muskogee, Indian Territory, on October 3, 1902. On October 19, 1901 an affidavit was filed showing the birth of Edgar Dawson, a sixth child of the applicant.

D 475 By Wilborn Dawson, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by blood.

D 518 By Charles T. Moore, at Vinita, Indian Territory, on October 4, 1900, for his enrollment as a citizen by intermarriage, and for the enrollment of his wife, Mollie, and his five minor children, Nora, Walter, Clara, Ora and James W. Moore as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 10, 1902, and on March 17, 1902, an affidavit was filed showing the birth of Edna E. a sixth child of the applicant.

D 832 By James R. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his three minor children, Vinnie D., Ermine C. and Edwin C. Dawson as citizens by blood, and for the enrollment of his wife, Martha A. Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 5, 1900, and at Muskogee, Indian Territory, on October 3, 1902, and on September 13, 1901, an affidavit was filed showing the birth of Ancil F. Dawson, a fourth child of the applicant.

D 852 By Henry A. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his minor child, Vinnie C. as citizens by blood, and for the enrollment of his wife, Birdie J. as a citizen by intermarriage. Birdie J. Blasingame is differently classified and is not embraced in this decision.

D 833 By Elbert L. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his three minor children Ellis W., Earl D. and Alexander Blasingame, Jr., as citizens by blood, and for the enrollment of his wife Ida, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 6, 1902. On October 31, 1902, a birth affidavit was filed for Elmer H., born since the date of this application.

D 834 By James R. Blasingame, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his two minor children, William A. and George L. Blasingame as citizens by blood, and for the enrollment of his wife, Mary A. Blasingame as a citizen by intermarriage. On February 28, 1901, an affidavit was filed showing the birth of Grace D. Blasingame, a third child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.

D 435 By Martin L. Patterson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Zona, and his five minor children, Sarah A., Martha A., Claud A., Edgar D. and Thomas M. Patterson, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 4, 1902, and on October 23, 1901, an affidavit was filed showing the birth of Virgil V., sixth child of the applicant.

D 604 By William C. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Alice as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 3, and October 10, 1902.

D 605 By Robert L. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood.

D 608 By Elbert B. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood. On July 8, 1901, an affidavit was filed showing the birth of Ralph E. Dawson, a child of the applicant.

D 609 By Sarah J. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 15, 1902.

D 617 By Richard W. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself and his minor child Ina E. as citizens by blood, and for the enrollment of his wife, Luella as a citizen by intermarriage. Luella Dawson is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, 1902.

D 625 By Ella L. Spickerman, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of herself and her minor child, Helleh J. Spickerman, as citizens by blood, and for the enrollment of her husband, John J. Spickerman as a citizen by intermarriage. John J. Spickerman is differently classified and is not embraced in this decision. On March 8, 1902, an affidavit was filed for William Glenn Spickerman, a second child of the applicant.

D 627 By Francis M. Dawson, son of Elbert Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself as a citizen by blood.

D 23 By John W. Graham, at Fairland, Indian Territory, on July 12, 1901, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Missouri and his minor children Tenna V. and Robert S. Graham, as citizens by blood. Furtherproceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2, 1902.

D 35 By Gideon Graham, at Westville, Indian Territory, on July 16, 1900, for the enrollment of himself and his minor children, John W., Julius E., Francis F., Mary E., Jesse E., Gracie L. and Florence M. Graham as citizens by blood, and for the enrollment of his wife Elizabeth Graham, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902.

D 836 By Mathew A. Painter, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverna A. and his five minor children Ada B., Eva P., John W., Ray D., and Roberta A. Painter, as citizens by blood. On December 7, 1900, an affidavit was filed for Roy V. Painter, a sixth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2 and 3, 1902.

D1124 By Charles T. Bradshaw, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself as a citizen by intermarriage, and for his wife Florence P. and his minor children, Myrtle and Claude Bradshaw as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 20, 1902.

D1128 By Joe E. Graham, at Muskogee, Indian Territory, on Febru-

ary 23, 1901, for the enrollment of himself and his minor child William C. as citizens by blood.

D1126 By John F. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor child Edna M. as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902. On October 31, 1902, a birth affidavit was filed for Robert Lee Graham, a second child of the applicant.

D1127 By James Neal, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of his wife, Joe Willie Neal, as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D1128 By James M. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor children, Marion, Maggie, Luther, Liddie and Margaret Graham as citizens by blood, and for the enrollment of his wife Bessie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902. On October 27, 1902, a birth affidavit was filed for Floyd Graham, born since the date of this application.

D 395 By Green W. Jackson, at Vinita, Indian Territory, on September 22, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Ella Jackson as a citizen by blood.

D 476 By James H. Harmon, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Flora and his minor children, Lillie R., Claud, Dwight, and William D. Harmon, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902.

D 508 By Toshie A. Jackson, at Vinita, Indian Territory, on October 3, 1900, for his enrollment, among others, as a citizen by blood. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 7, 1900.

D 830 By Lizzie Jackson, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children Osie, Lizzie, Jessie, Ray and Clyde Jackson as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 847 By William C. Lenox, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Fannie and his minor children Birtie E. and Myrtle Lenox as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 859 By James Lowe, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his minor children, May, Selma, Roberta and Rosa Lowe as citizens by blood.

D 405 By Millie T. Dawson, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 13, 1902.

D 406 By Texanna Woolley, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself and her minor child Irene W. Woolley as citizens by blood. On March 27, 1902, an affidavit was filed showing the birth of Wilburn E. Woolley, a second child of the applicant.

D 715 By Henry T. Richardson, at Claremore, Indian Territory, on October 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Kitty, his minor children Delia F. and Finis T. Richardson and his stepchildren, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flournoy as citizens by blood. Florence Flournoy is embraced in another application herein as Florence Morgan (D - 737). Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902, and on August 20, 1902, a birth affidavit was filed for Jasper C. Richardson, born to Henry T. Richardson and his wife, Kittie, since the date of this application.

R 12 By Etta Brauer, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by blood.

R 13 By Melissa A. Dawson, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by intermarriage.
Further proceedings in the matter of said application were had at Vinita, Indian Territory on October 4, 1900, and at Muskogee, Indian Territory, on October 14, 1902.

D 521 By Lula Pearl Weddle, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of herself and her minor children Curtis and Morris O. Weddle as citizens by blood, and for the enrollment of her husband, Hiram F. Weddle as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 14, 1902. October 31, 1902, a birth affidavit was filed showing the birth of Roy Weddle, a third child of the applicant.

D 522 By William D. Douthitt, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself as a citizen by blood.

D 543 By Alonzo M. Fishback, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Laverna A. Fishback and his minor children William A. and Annie B. Fishback as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 3, 1902.

D 737 By Elbert L. Morgan, at Claremore, Indian Territory, on October 29, 1901, for the enrollment of his wife Florence and his minor child Clide as citizens by blood. On April 30, 1902, an affidavit was filed showing the birth of Alice A. Morgan, a second child of the applicant.

D 848 by John B. Pilkbeck, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by blood.

D 879 by George A. Mabry, at Tahlequah, Indian Territory, on December 14, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Edna, and his minor children Roby and Charley Mabry as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, January 15, 1902, and March 17, and October 15, 1902.

Proceedings were had in the matter of F. M. Dawson, et al., before Lewis F. Martin, a Notary Public on October 4, 1900, and further proceedings were had therein before the Commission at Muskogee, Indian Territory on March 17, 1902. All of these proceedings have been made a part of the record herein.

The evidence, and an examination of the records of the Cherokee Nation, in the possession of this Commission show that on January 11, 1883, one Robert Dawson and his adult children, F. M. Dawson, Elbert Dawson, Jasper Dawson, Mollie Dawson, Wilborn Dawson, James Dawson, Rial Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson and John Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship, commonly known as the "Teehee Court", and that on September 9, 1884, one James Dawson, a brother of the Robert Dawson aforesaid, together with his adult children, Ella Dawson, W. A. Dawson, Malvina Dawson and Missouri Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship commonly known as the "Spears Court." In addition to their tribal enrollment as shown by the evidence herein, it also appears from an examination of the Cherokee tribal rolls, in the possession of this Commission, that F. M. Dawson is identified on the Cherokee pay rolls of 1883 and 1894, Elbert Dawson on the Cherokee pay roll of 1886, Mollie Dawson on the pay roll of 1883, Wilborn Dawson on the pay rolls of 1883 and 1894, James Dawson on the pay rolls of 1883 and 1894, Rial Dawson on the pay rolls of 1886 and 1894, Josephine Dawson on the pay roll of 1886, Jane Dawson on the pay roll of 1883, Joseph Dawson and John Dawson on the pay rolls of 1883, 1886 and 1894, Ella Dawson and W.A.

Dawson on the pay roll of 1880, and Missouri Dawson on the pay roll of 1884.

A majority of the above named persons, together with the descendants of the persons admitted as aforesaid and such white persons as may have intermarried with the said Dawsons or their descendants are the applicants herein.

For convenience, the applications are divided into groups:

Group 1, includes the applications of Francis M. Dawson and those claiming through him and embraces cases numbered D 524, D 530, D 531, D 534, D 538 and D 535.

The evidence shows that Francis M. Dawson is the same person admitted to citizenship as hereinbefore stated under the name of F.M. Dawson. Katie Dawson, his wife, was married to him on November 21, 1880. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married, and the six children included in the application of said Francis M. Dawson, and hereinbefore named are the issue of the marriage aforesaid. All the applicants herein are identified on the Cherokee Census roll of 1896.

John Dawson, William R. Dawson, Lizzie Atkins, formerly Dawson, Francis M. Dawson, Jr., and Arizona Allred are the children of said Francis M. Dawson by a former wife, Julia Ann. They were minors at the date of their father's admission to citizenship. John Dawson, Lizzie Atkins and Francis M. Dawson, Jr., are identified on the Strip Payment roll of 1884, and William R. Dawson and Arizona Allred are identified on the Cherokee Census roll of 1896.

Andrew C. Atkins was married under a Cherokee marriage license

and in accordance with the laws of the Cherokee Nation on March 29, 1883, to the above named Lizzie Dawson. He has resided in the Cherokee Nation with his said wife since they were married, and the four children included in his application, and hereinbefore named are the issue of that marriage. The eldest child, Arthur, is identified on the Cherokee pay roll of 1894, and the three younger children are identified by birth affidavits on file with this Commission.

Arizona Allred, nee Dawson, came from Arkansas to the Cherokee Nation for the first time in 1894, remained there about two years and then returned to Arkansas, where she was married to Lei Allred. Such marriage was not in accordance with the laws of the Cherokee Nation. Arizona Allred and her husband came to the Cherokee Nation in 1896, stayed there a month and returned to Arkansas where they remained until September, 1898, at which time they came to the Cherokee Nation, remained there about a year and returned to Arkansas in 1899, where they were living at the date of this application. William C. Allred is the child of said Arizona Allred and possesses no rights not acquired by his mother. He is identified on the Cherokee Census roll of 1896.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides:

> "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The evidence further shows that Francis M. Dawson, his wife, Katie and William R. Dawson, Francis M. Dawson, Jr., and Lizzie Atkins have resided in the Cherokee Nation since 1883, and Andrew O. Atkins, the husband of said Lizzie Atkins, since 1891, and that John Dawson has resided in the Cherokee Nation for at least fourteen years prior to the date of his application. The residence of the minor children of the above named persons is considered to be that of their parents, with whom they are living.

Group II, includes the applications of Samuel R. Dawson, together with those claiming through him and embraces cases numbered D 350, D 364, D 378, D 385, D 481 and D 496.

The evidence shows that Samuel R. Dawson is identified as the Rial Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. His wife, Catharine, a white woman, was married to him on July 11, 1868. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since their marriage, and August and Mate Dawson are the issue of the aforesaid marriage. Samuel R. Dawson, his wife and children are identified on the Cherokee Census roll of 1896.

Robert Dawson, Albert H. Dawson, Josephine Bulawsky, formerly Josephine Dawson, John W. Dawson, and Katie Newman, formerly Katie Dawson are the children of said Samuel R. Dawson. They were minors at the date of their father's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Sarah F. Dawson, nee Abbott, was married to the said Albert H. Dawson in October, 1894. She has lived with her said husband, since they were married. Ralph H., Alford and Cecil Dawson are the issue of that marriage. Sarah F. Dawson and her child Ralph H. are identified on the Cherokee Census roll of 1896. Alford is identified by a birth affidavit on file with this Commission. The evidence further shows that the youngest child, Cecil Dawson, is dead.

August Bulawsky, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 26, 1893, to the said Josephine Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. The

four older children are identified on the Cherokee Census roll of 1896, and the sixth payment roll of 1898. May Sulawsky is identified on the Cherokee Census roll of 1896, and Oscar Sulawsky is identified by a birth affidavit on file with this Commission.

Mamie Dawson, nee Baugher, was married to the said John W. Dawson on September 2, 1894, and she has lived with her said husband since they were married.

The evidence further shows that Samuel R. Dawson, his wife, Catherine, and Robert Dawson, Albert H. Dawson, John W. Dawson, and Katie Newman have resided in the Cherokee Nation since 1886, August Sulawsky and his wife Josephine, since 1892, and Sarah F. and Mamie Dawson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group III, includes the application of John Dawson, and those claiming through him and embraces cases numbered D 578, D 360 and D 630. The evidence shows that John Dawson is the same person admitted to citizenship in the Cherokee Nation as hereinbefore stated. Sarah J. Dawson, nee Wood, his wife, a white woman, was married to him on October 4, 1871. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married and the nine children included in the application of said John Dawson, and hereinbefore named, are the issue of said marriage. John Dawson, his wife, and his seven elder children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Thomas P. Dawson and Orle H. Dawson are the children of said John Dawson. They were minors at the date of their father's admission to citizenship, and they are both identified on the Cherokee

Census roll of 1896.

Thomas P. Dawson was married on April 24, 1898, to Allen A. Allison, and Marion J. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Orie M. Dawson was married on December 28, 1899, to Mittie York, and Burr B. and James W. Dawson are the issue of that marriage. The said children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John Dawson and his wife, Sarah J., have resided together in the Cherokee Nation since 1883; that said Orie M. Dawson has resided in the Cherokee Nation since 1883, and that Thomas P. Dawson has resided in the Cherokee Nation since 1888. The residence of the minor children herein is considered to be that of their parents, with whom they are living.

Group IV, includes the applications of those claiming through the said Josephine Dawson, now deceased. At the time of her admission she was the wife of one Thomas Pierce, but was admitted to citizenship under maiden name of Dawson. The group embraces cases numbered D 408, D 409, D 431, D 471, D 472 and D 479.

The evidence shows that Robert Pierce, William Pierce, Charles E. Pierce, Oma Gray, formerly Oma Pierce, Effie Pierce (now Effie Akin) and Nancy J. Bogle, formerly Nancy J. Pierce are the children of said Josephine Dawson. They were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Nellie Pierce, a white woman, was married to said Robert Pierce on July 15, 1894. She has lived with her said husband since they were married, and Lyrtle and Arthur Pierce are the issue of that marriage. Nellie Pierce is identified on the Cherokee Census roll of 1896, and her two children are identified by birth affidavits on file with this Commission.

Ora Gray was married to John B. Gray on April 7, 1898, and Cecil and Walton Gray are the issue of that marriage. Ora Gray is identified on the strip payment roll of 1896 and her children are identified by birth affidavits on file with this Commission.

John S. Bogle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 5, 1894, to the above named Nancy J. Pierce. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. John S. Bogle and his two older children are identified on the Cherokee Census roll of 1896, and his four younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said William Pierce died in January, 1902.

It further appears that Robert Pierce, Charles E. Pierce, Nancy J. Bogle and Ora Gray have resided in the Cherokee Nation since 1884; that John S. Bogle, husband of Nancy J. Bogle, and Nellie Pierce, wife of Robert Pierce, have resided in said Nation ever since they were married, and the residence of the minor children herein is considered to be that of their parents with whom they are living. It appears that Effie Akin was seventeen years old at the date of the application for her enrollment, and it further appears that she resided in the Cherokee Nation from about 1886 up to December, 1900, when she went to Colorado, was married there to Will Akin, and is now living in that state with her said husband.

Group V, includes the application of the said Joseph Dawson, Wilborn Dawson and James Dawson, and embraces cases numbered D 364, D 475 and D 526.

Joseph R. Dawson is identified as the Joseph Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. He was married to Florence Jackson on May 18, 1886, and they have lived to-

gether since the date of their marriage. The said Florence Jackson is the daughter of Nida Dawson, but she was of age at the date of her mother's admission to citizenship. The six children included in the application of said Joseph R. Dawson, and hereinbefore named, are the issue of the marriage between the said Joseph R. Dawson and Florence Jackson. The applicant, his said wife and his four older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Wilborn Dawson is identified as the person of that name admitted to citizenship in the Cherokee Nation as hereinbefore stated. He is identified on the Cherokee Census roll of 1896.

James R. Dawson is identified as the James Dawson admitted to citizenship in the Cherokee Nation as heretofore stated. His wife, Martha A. Dawson was married to him on February 20, 1890. She has lived with her said husband since the date of their marriage, and the four children included in the application of said James R. Dawson, and hereinbefore named, are the issue of said marriage. The applicant, his said wife and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

The evidence further shows that Joseph R. Dawson has resided in the Cherokee Nation since 1883; that Florence Dawson and Wilborn Dawson have resided in said Nation since 1886, and that James R. Dawson has resided in said Nation since 1883, excepting a temporary absence from 1889 to 1891. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VI, includes the application of Mollie Dawson and those claiming through her and embraces case numbered D 518.

The evidence shows that Mollie Moore, formerly Dawson, is identified as the Mollie Dawson admitted to citizenship in the Cherokee

Nation as hereinbefore stated. Her husband, Charles T. Moore, was married to her under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on January 17, 1897. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of said marriage. Charles T. Moore, his wife Mollie, and his four older children are identified on the Cherokee Census roll of 1896; the two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that said Charles T. Moore, his wife Mollie and his oldest child have resided in the Cherokee Nation since 1883; the younger children have resided in said nation all their lives.

Group VII, includes the applications of those claiming through the above named Jane Dawson, who, at the time of her admission to citizenship in the Cherokee Nation, as hereinbefore stated, was the wife of one Alexander Blasingame, but she was admitted under her maiden name of Dawson. Jane Dawson is a resident of Arkansas, and is not an applicant for enrollment. This group embraces cases numbered D 832, D 833 and D 834.

The evidence shows that Henry A. Blasingame, Elbert L. Blasingame, and James R. Blasingame are the children of said Jane Dawson. They were minors at the time of their mother's admission to citizenship and they are all identified on the Cherokee Census roll of 1896.

Henry A. Blasingame was married to his wife Birdie J., on December 6, 1896, and Vinnie C. Blasingame is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Ida Blasingame, a white woman, was married to the said Elbert L. Blasingame on September 5, 1894. She has lived with her said husband ever since they were married and the four minor children included in the application of said Elbert L. Blasingame are the

issue of that marriage. The said Ida Blasingame and her two older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Mary A. Blasingame was married to the said James R. Blasingame on August 11, 1898. She has lived with her said husband since they were married and the three minor children included in the application of said James R. Blasingame, and hereinbefore named, are the issue of that marriage. Mary A. Blasingame and her oldest child are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said Henry A. Blasingame, Elbert L. Blasingame and James R. Blasingame removed to the Cherokee Nation in 1897 and have resided therein with their said wives ever since. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VIII, includes the applications of those claiming through the said Elbert Dawson, and embraces cases numbered D 435, D 604, D 608, D 605, D 609, D 617, D 626 and D 627.

The evidence shows that Zona Patterson, formerly Dawson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Richard W. Dawson, Ella L. Spickerman, formerly Dawson, and Francis M. Dawson are the children of the said Elbert Dawson. All of them, excepting the said Francis M. Dawson, were minors at the time of their father's admission to citizenship. Zona Patterson is identified on the Cherokee Census roll of 1896, and William C. Dawson, Robert L. Dawson, Elbert B. Dawson and Richard W. Dawson are identified on the Strip payment roll of 1894. An examination of the Cherokee tribal rolls, in the possession of this Commission, shows that the said Ella L. Spickerman is also identified on the Strip Payment roll of 1894.

Martin L. Patterson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 13, 1890, to the said Nora Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. Martin L. Patterson and his three older children are identified on the Cherokee Dawes Roll of 1896, and his three younger children are identified by birth affidavits on file with this Commission.

Alice Dawson, nee Alexander, was married to the said William C. Dawson on November 18, 1886. She has lived with her said husband ever since they were married.

Elbert B. Dawson was married on February 16, 1898, to Cora Bright, a non-citizen, and his child Ralph E. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Sarah J. Dawson, nee Jones, was married to the above named Elbert Dawson about 1854, and lived with him as his wife until his death in February, 1899, and has not re-married since his death. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

Richard W. Dawson was married to Luella Mason, a white woman, on January 24, 1898. His child Ina E. Dawson is the issue of that marriage, and she is identified by a birth affidavit on file with this Commission.

Ella L. Spickerman was married to John J. Spickerman, a white man on September 7, 1897. Her children Hallen J. and William Glenn are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

It further appears from the evidence that Francis M. Dawson, son of Elbert Dawson, at the time of his father's admission to citizen-

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321), section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of,

> "all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1883; Alice Dawson since 1886, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson, This group embraces cases numbered D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 13, 1886, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1866, and has lived with her since that time. Tempa V. and Robert S. Graham are the issue of the aforesaid marriage. John W. Graham, his wife and two children are identified on the Cherokee Census roll of 1896.

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis E. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321). Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of,

> "all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert E. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1883; Alice Dawson since 1886, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered, D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1888, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1866, and has lived with her since that time. Tompa V. and Robert S. Graham are the issue of the aforesaid marriage. John W. Graham, his wife and two children are identified on the Cherokee Census roll of 1896.

Joe F. Graham was married to Mary Bradshaw, a non-citizen on January 6, 1898. William C. Graham is the issue of that marriage, and he is identified by a birth affidavit on file with this Commission.

John F. Graham was married on February 11, 1900, to Mattie Lawson, a non-citizen, and Edna M. and Robert Lee are the issue of that marriage. Said children are identified by birth affidavits on file with this Commission.

Bessie Graham was married on November 2, 1898, to the said James M. Graham. She has lived with him since the date of their marriage, and the six children included in the application of said James M. Graham, and hereinbefore named, are the issue of the said marriage. The oldest child Marion is identified on the Strip payment roll of 1894, and the five younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John W. Graham, his wife Missouri Graham, Gideon Graham, Mathew A. Painter, and his wife Laverna A. Painter, Florence P. Bradshaw, John F. Graham and Joe Willie Neal have resided in the Cherokee Nation since 1838, and that Joe F. Graham and James M. Graham have resided in the Cherokee Nation since 1884. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group X, includes the application of the said Ella Dawson and those claiming through her. The said Ella Dawson, at the time of her admission to citizenship, was the wife of Green W. Jackson, but she was admitted to citizenship under her maiden name of Dawson. This group embraces cases numbered D 395, D 476, D 508, D 830 and D 847.

The evidence shows that Green W. Jackson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on March 24, 1887 to the said Ella Dawson. He had been previously married to her in Texas prior to her admission to

citizenship. From an affidavit made a part of this record it appears that Green W. Jackson died subsequent to the date of this application, and prior to September 1, 1902.

The evidence further shows that Flora Harmon, formerly Jackson, Tishio A. Jackson, William Jackson and Fannie Lonex, formerly Jackson are the children of said Ella Dawson, now Ella Jackson. Flora Harmon, Tishio A. Jackson and Fannie Lonex were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

James H. Harmon was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 24, 1887, to the said Flora Jackson. He has lived with his wife since the date of their marriage, and the four minor children included in his application, and hereinbefore named, are the issue of the said marriage. James H. Harmon and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

William C. Lonex was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 1, 1888, to the said Fannie Jackson. He has lived with his wife since the date of their marriage, and the two children Birtie E. and Myrtle Lonex, included in his application, are the issue of the said marriage. William C. Lonex and his two children are identified on the Cherokee Census roll of 1896.

Lizzie Jackson claims to have been married in 1888 to the said William Jackson, who is now deceased. It appears that William Jackson at the date of his mother's admission to citizenship, was over twenty-one years old. There is no evidence that the said William Jackson was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission

to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Lizzie Jackson and the five minor children included in her application, and hereinbefore named, are identified on the Cherokee Census roll of 1896, and they take only such rights as may have been possessed by the said William Jackson. The authority of the Commission herein is defined in Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

The evidence further shows that the said Ella Jackson, the said Flora Harmon and the said Toshie A. Jackson have resided in the Cherokee Nation since 1884, and that William C. Lenox, and his wife Fannie Lenox have resided in the Cherokee Nation since 1888. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XI, includes the applications of those claiming through Malvina Dawson and embraces case numbered D 839.

The evidence shows that James Lowe is the son of the said Malvina Dawson, and that at the time of her admission to citizenship the said James Lowe was over 21 years old. There is no evidence that the said James Lowe was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). It further appears that the said James Lowe was married on June 12, 1887, to Mollie Knight, a white woman, and the four minor children included in his application and hereinbefore named, are the issue of that marriage. James Lowe and his said children are identified on the Cherokee Census roll of 1896 and said children take only the rights which may have been acquired by their father.

The authority of the Commission herein is defined in Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

Group XII, includes the applications of those claiming through the said W. A. Dawson and embraces cases numbered D 405, D 406, D 715, R 12 and R 13.

The evidence shows that Millie T. Dawson was married to the said W. A. Dawson in 1892 and lived with him as his wife in the Cherokee Nation until his death in 1899, and that she has not re-married since his death. Texanna Woolley is the daughter of said W. A. Dawson and his former wife Melissa A. Dawson. Texanna Woolley was a minor at the date of her father's admission to citizenship, and she is identified on the Strip payment roll of 1894. She was married on March 27, 1898, to James Woolley, and her children Irene V. and Wilburn E. are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

Henry T. Richardson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 11, 1886, to one Sellar Dawson, who was the daughter of the said W. A. Dawson by his first wife Melissa A. Sellar Dawson was a minor at the date of her father's admission to citizenship. Henry T. Richardson lived in the Cherokee Nation with his said wife Sellar from the date of their marriage until her death in 1892. On September 22, 1898, Henry T. Richardson married one Kitty Flournoy nee Dawson. The said Kitty Flournoy was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Of the children herein applied for, Delia F. Richardson is the child of the applicant by his first wife, Sellar. Finis T. Richardson and Jesper C. Richardson are children by his wife Kitty. Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy are the children of his said wife Kitty by a former husband.

The six older children were admitted to citizenship in the Cherokee Nation on December 1, 1894, with their mother as the members of her family. The youngest child Edna Flournoy was born in 1896 and was living at the date of this application. Delia F. Richardson is identified on the Cherokee Census roll of 1896, and Finis T. and Jasper C. Richardson are identified by birth affidavits on file with this Commission.

Etta Brewer is the daughter of said W. A. Dawson, and was a minor at the date of her father's admission. She was married in 1892 to a non-citizen but such marriage was not in accordance with Cherokee laws. She is identified on the Cherokee Census roll of 1896.

Melissa A. Dawson was married to the said W. A. Dawson in the State of Texas on September 26, 1873. The Supreme Court of the Cherokee Nation in the case of Melissa A. Dawson vs. W. A. Dawson, decided that Melissa A. Dawson, the applicant herein was a citizen of the Cherokee Nation by virtue of intermarriage with her said husband, W. A. Dawson. She is identified on the Cherokee Census roll of 1896, and she has not re-married since her divorce from said W. A. Dawson.

The evidence shows that Texanna Woolley has resided in the Cherokee Nation since 1884; that Etta Brewer and Melissa A. Dawson have resided in the Cherokee Nation, with the exception of temporary absences, since 1884; that Millie T. Dawson has resided in the Cherokee Nation since 1892; that Henry T. Richardson has resided in the Cherokee Nation since 1886, and that Kitty Richardson, his wife, has resided in the Cherokee Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XIII, includes the following applications: Hiram J. Waddle, et al D 521; William D. Deathitt, D 522; Alonzo M. Fishback, D 543; Florence Morgan, et al D 797; John B. Fishback, D 845 and George A. Mabry, et al D 979. The persons interested in these appli-

cations are related to the above named Dawsons. They are not claiming the right to enrollment by virtue of such relationship, but rely upon a separate adjudication of their rights.

The evidence shows that Hiram F. Weddle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on September 13, 1884, to Lula P. Douthitt, who was admitted to citizenship in the Cherokee Nation by the said "Spears Court" on September 13, 1884. Curtis, Morrie O. and Roy Weddle are the issue of the said marriage. Hiram F. Weddle and his said wife are identified on the Cherokee Census roll of 1896, and their three children are identified by birth affidavits on file with this Commission.

William D. Douthitt is the brother of said Lula P. Weddle, and was admitted to citizenship in the Cherokee Nation with his said sister on September 13, 1884. He is identified on the Cherokee Census roll of 1896.

Alonzo M. Fishback was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 17, 1891, to Laverna A. Dawson. He had been previously married to the same wife in Texas in 1877, and has lived with her ever since. It appears that Laverna Fishback was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. William A. and Annie B. Fishback are the issue of the said marriage. Alonzo L. Fishback and his said wife and children are all identified on the Cherokee Census roll of 1896, and his wife is also identified on the Cherokee pay roll of 1900.

Florence Morgan, the wife of Elbert L. Morgan, is the daughter of the Kitty Richardson heretofore mentioned and was admitted to citizenship in the Cherokee Nation on December 1, 1894 with the said Kitty Richardson as a member of her family. Clide and Alice A. Morgan are her children by her said husband. The said children are

identified by birth affidavits on file with this Commission.

John E. Fishback is the son of Laverna Fishback, who was re-admitted to citizenship on December 1, 1894, as heretofore stated. He was a minor at the date of his mother's admission to citizenship and he is identified on the Cherokee Census roll of 1896.

George A. Mabry was married to one Edna Dawson in the State of Arkansas in 1884. He claims to have been married under a Cherokee marriage license to his said wife in 1889, but he presents no satisfactory proof of such marriage. Edna Dawson was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Roby and Charley Mabry are her children by her said husband, George A. Mabry. Edna Mabry is identified on the strip payment roll of 1894, and the two children were minors at the date of their mother's admission to citizenship.

The evidence further shows that Alonzo H. Fishback and his wife Laverna A. Fishback have resided in the Cherokee Nation since 1883; that Lula P. Weddle, William D. Douthitt, and John E. Fishback have resided in the Cherokee Nation since 1884, and that Florence Morgan and Edna Mabry have resided in said Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

All birth affidavits for the minor children embraced in this decision, and hereinbefore noted, are made a part of this record.

It is contended by the Cherokee Nation that the applicants herein are not entitled to be enrolled by this Commission because they have never been lawfully admitted or enrolled by the Cherokee authorities, and that the judgment of the Cherokee Commission on Citizenship admitting Robert Dawson and his family was obtained by fraud on the part of said Dawson.

In considering the question at issue, it is the opinion of this Commission that it has no power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and were passed upon by that Commission. In United States vs. Throckmorton, 98 U.S. Page 61, it is stated, "the doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment assailed." Only such facts therefore, are considered by this Commission, as were not part of the record in the Robert Dawson case before the Teehee Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Teehee Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment.

Briefly stated, the circumstances attending the admission of the Dawsons appear to be as follows:

On September 24, 1881, an application was made to the Cherokee Commission on Citizenship known as the "Teehee Court" for admission to Cherokee citizenship of Robert Dawson and the members of his family above mentioned. The members of that Commission were Thomas Teehee, Alex Wolfe and T. F. Thompson. The first two were full blood Cherokee Indians; they could understand, but could not talk English. One D. W. C. Duncan was the Clerk of the Commission. The Dawson case was continued several times before final decision. J. M. Bryan appears to have been an attorney in the case, and after some delay he notified Francis M. Dawson that the case would be taken up by the Commission at its session in January, 1883, and also informed him that C.N. Bayles would look after Dawson's interests as he, Bryan,

would be in Washington. On receipt of this notice Francis M. Dawson went to Fort Gibson, Cherokee Nation, and made arrangements with his uncle Samuel H. Benge to go to Tahlequah and conduct the case. Benge who is a witness herein testifies that he was connected with the Dawson case when it was commenced in 1851; that it was continued several times for want of evidence, and that in January, 1853, in company with F. M. Dawson he went to Tahlequah and while there secured the testimony of Tosh Rogers, a negro, who knew the Dawson's ancestors, and that after getting his evidence the case was submitted to the Commission. He further testifies that the Commission rendered a decision against the Dawsons and that next morning the Commission reopened the case, but not upon motion of the witness, and rendered a judgment admitting the Dawsons to citizenship. He further states that on his way home to Fort Gibson with Dawson he remarked to the latter, "it was a pretty hard blow when they rendered a decision against us," to which Dawson is alleged to have replied, "yes, but Duncan was the man to reach and he reached him with five hundred dollars."

Dawson denies ever having had such a conversation and says that he did not return to Fort Gibson with Benge but went home to Arkansas by a different route.

C. H. Taylor testifies that he was an attorney in the case and was present when the case was decided. He says there were only two Commissioners present, Teehee and Wolfe. He further testifies that D. W. C. Duncan, the Clerk of the Court asked the witness to let him know when any large citizenship cases came up; that he introduced F. M. Dawson to Duncan on the evening of January 10th, heard part of a conversation between them in which Duncan addressing Dawson said, "there is a hitch in your evidence, if that was straightened out it will be all right." Next morning witness says Dawson told him to call up the case, which he did. That there was no additional

evidence introduced and no argument made, and that the case was then decided in favor of the Dawsons. Witness further testifies that Dawson gave him twenty dollars and said he would send him the balance in a short time, that in the course of ten days he sent him one hundred dollars with directions to pay over half of it to Duncan; that Dawson soon afterwards sent him another hundred dollars with the same instruction to give Duncan half of it.

Dawson denied the matters testified to by Taylor excepting in the matter of paying Taylor money, which he admits in part, but says that the twenty dollars mentioned was sent to Taylor about a year after the decision, and that he instructed Taylor to pay it over to Duncan to pay him for a land claim, and that the other money was in payment of J. H. Bryan's attorney fees which Taylor represented to Dawson he had for collection against him. Taylor's reputation for truth and veracity has been impeached by various disinterested witnesses.

The evidence which may be considered as tending to support the charge of fraud is the testimony of S. M. Denge, C. H. Taylor, Thomas [illegible] Babeart, J. L. Clinkenbeard, James W. Lewis, C. G. Draught and David Meredith.

S. M. Denge testifies that a judgment adverse to the Dawsons was rendered by the Commission on the evening of one day and without any additional proceedings in the case that judgment was reversed on the morning of the next day.

Even if this were a material fact, there is no other proof that two judgments in the case were ever rendered. The record of the proceedings and judgment in the Commission's docket is all on one page, the entry of the application in 1881 and the first continuance being entered under authority of a former Commission and by a different clerk, and there is no evidence of erasure on that page. It is not an unusual thing for a Court to change its judgment, and this fact, if it is a fact, is not in itself any evidence of fraud.

Thomas B. Dabeart testifies that one James Dawson, a man of forty or fifty years of age, in company with Butler, the Commission's interpreter and Jim Smith, solicitor for the Nation, came to the witness in Tahlequah the evening of January 10, 1885, to borrow some money; that Dawson was vouched for by Butler as a responsible party and that Dawson told the witness that he had to have money that night, that his case was to be submitted the next day if he could get some money, that Smith had agreed to submit the case without evidence, and that witness thereupon let Dawson have ten dollars.

Admitting all this to be true and that the influence of these officials was purchased for the sum of ten dollars, the Commission fails to see how these alleged facts show that the Court was imposed upon or misled. Bribery of officials to use their influence with the Commission would not necessarily vitiate the judgment, but it must appear that the fraud, or corruption reached the members of the Commission and tainted the judgment itself. The case was not submitted without evidence as appears from the record, and it is shown that such evidence was carefully considered by that Commission Furthermore, the evidence shows that there was no such person then in Tahlequah as the James Dawson described by witness.

Clinkenbeard testifies that he had a talk with Elbert Dawson about 1881; that Dawson told him he had only one witness, Dr. Baker of Arkansas, "an old man 85 or 90 years old who did not know straight up" and that he could give Dr. Baker four drinks of Arkansas whiskey and he would swear black was white. Witness further testifies that Dawson told him that money was what made the mare go in Texas, and that he had found out that it goes here too.

Assuming that this Commission can go into the question of perjury in connection with evidence in that case, the testimony of Clinkenbeard establishes, if anything, only the facts stated and does not prove that Dr. Baker committed perjury in giving his testi-

money before the Commission. Further, it is not clear that Dr. Baker was the only witness in the case. Benge stated that Tosh Rogers was a witness, Duncan is under that impression also, and T. F. Thompson, one of the Commissioners, states that he thinks there were three witnesses. The testimony of Dr. Baker, seems, however, to be the only testimony preserved of record. As to whether Doctor Baker offered perjured testimony by Dawson's procurement, it is proper to state that the evidence of W. H. Curtis and A. S. McNamee, witnesses for applicants, show that Doctor Baker was a man of integrity and was not addicted to drinking.

The testimony of James W. Lewis is to the effect that he had a conversation with F. M. Dawson about 1883, in which Dawson had told the witness that it had cost him seven hundred dollars to get his rights. Draught also testifies that he was an applicant for citizenship about 1881 or 1882, and that while his case was pending he had a talk with F. M. Dawson who told him that if he (the witness) ever got in, it would cost him seven hundred dollars, and that Dawson told him he had paid one witness three hundred dollars, and made arrangements with the Court to get the Dawsons in at one hundred dollars a family. David Meredith testifies that he had a talk with old James Dawson in 1888, and that the latter told the witness it cost him twelve hundred dollars to get his case through.

It can hardly be urged that such evidence is sufficient to show that the members of the Tsehee Commission were corrupted by the fraudulent use of money. So far as these witnesses have been able to testify the money spent by the Dawsons might have been for proper and legitimate purposes. F. M. Dawson gives a detailed statement of what the case cost him and his brother in a legitimate way. The presumption can not be indulged that such moneys were used for fraudulent purposes and the proof to the contrary must be very clear

before this Commission will deny applicants the right to be enrolled upon that ground.

Admitting the truth of all the testimony in this case as to the actual transfer of money by the Dawsons, it appears that Duncan, Butler and Smith were the only beneficiaries of that money. There is no evidence that the members of the Commission received or were offered any of it.

The judgment entered in the Commission's docket shows the signature of the three members of the Commission appended thereto. There is some conflict as to whether Duncan signed Thompson's name, or whether Thompson affixed his own signature. Duncan testified that all three signatures were made by him as Clerk under authority of the Commissioners present, the two full bloods being unable to sign their names. T. F. Thompson testifies that he signed the original transcript of the judgment, which was made on the day of its rendition. The question, however, is not considered to be very material. The signing of judgments by each Commissioner appears to have been a matter of custom only. T. F. Thompson testifies that he remembers the Dawson case and recognizes the judgment therein as the final judgment of the Commission, and that there was no fraud or corruption in the procurement of that judgment by the Dawsons or by any one else so far as he knew.

Much evidence has been introduced by the Cherokee Nation for the purpose of showing that the ancestor, through whom the Dawsons claim, was not a Cherokee, and that other members of the Dawson family, claiming from the same source, have been denied Cherokee citizenship by subsequent Cherokee tribunals, and also by this Commission and by the United States Court. Such evidence, in the opinion of this Commission, is not competent for any purpose in this proceeding. The only question before this Commission is whether there was

fraud in the procurement of the Robert Dawson judgment, and not whether the applicants are Cherokee Indians, or whether they ought to have been admitted to citizenship upon the proof submitted. Those were questions presented, considered and passed upon by the Teehee Commission. If their decision is a valid and regular judgment, it is binding on this Commission. If, on the contrary, the applicants have never been lawfully admitted to citizenship, because the judgment under which they claim is void, for fraud, then the question as to whether they are Cherokees by blood is not material, as this Commission has now no authority to admit them to citizenship.

While it is true, that since 1883, a number of applicants, members of the Dawson family, have been denied admission to citizenship in the Cherokee Nation, no argument derived therefrom is of any force, for it is also true that other members of the same family have been admitted to citizenship, and the action of the Cherokee authorities in admitting them has never been questioned by the Cherokee Nation. Whatever inference, therefore, may be drawn from these facts applies with equal force both for and against the validity of the judgment in question.

The Dawsons have lived in the Cherokee Nation, most of them since 1883; they have exercised the rights of Cherokee citizenship for many years, some of them occupying official positions in the Nation, and no protest seems to have been made against their citizenship until within the last few years. The records of the Cherokee Nation, in the possession of this Commission, show, that since 1883, there have been Commissions on citizenship charged with authority to investigate the judgments of former tribunals alleged to have been secured by fraud, and the Cherokee Legislature had power to order an investigation, and to create a tribunal with authority to set aside a judgment on account of fraud. No such action appears to have been taken

by the Cherokee authorities with reference to the judgment of the Tehee Commission in the Robert Dawson case.

After a careful consideration of all the facts in this case this Commission is of the opinion that the evidence fails to establish that the Dawsons secured their admission to citizenship by fraud or that the judgment of the Tehee Commission as rendered January 11, 1883, was fraudulent as the result of corruption, bribery, or deception upon the part of the Dawsons, or their agents, and that such judgment, and also the judgment of the Spears Commission in 1884, and the Act of the Cherokee National Council of December 1, 1894, which have not been attacked by the Cherokee Nation, being regular on their face, must therefore be accepted by this Commission as the valid judgments of the duly constituted Cherokee authorities.

It is, therefore, the opinion of this Commission that,

(Group I.) Francis M. Dawson, son of Robert Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson, Jr., son of Francis M. Dawson and grand-son of Robert Dawson,

(Group II.) Samuel R. Dawson, August Dawson, Nate Dawson, Robert Dawson, Albert E. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman,

(Group III) John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Marion J. Dawson, Orle M. Dawson, Burr B. Dawson, James W. Dawson,

(Group IV) Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Ona Gray, Cecil Gray, Velton Gray, Effie Akin (formerly

Myrtle Pierce), Nancy J. Bogle, James E. Bogle, Edna M. Bogle, John E. Bogle, Marvin H. Bogle, Claud Bogle, Nancy Edith Bogle,

(Group V) Joseph R. Dawson, Clarence E. Dawson, Council T. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus H. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson,

(Group VI) Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James T. Moore, Edna E. Moore,

(Group VII) Henry A. Blasingame, Vinnie C. Blasingame, Albert L. Blasingame, Ellis T. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame,

(Group VIII) Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Albert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman,

(Group IX) Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Lavorna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Deal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham,

(Group X) Ella Jackson, Flora Hayes, Lillie B. Hayes, Claud Hayes

Twight Harmon, William D. Harmon, Tosnie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox,

(Group XII) Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Kitty Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia E. Richardson, Etta Brauer,

(Group XIII) Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry, and Charley Mabry,

should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and that

(Group I) Katie Dawson, Andrew C. Atkins,

(Group II) Catherine Dawson, Sarah F. Dawson, August Dulawsky, Nannie Dawson,

(Group III) Sarah J. Dawson, nee Wood,

(Group IV) Nellie Pierce, John S. Boyle,

(Group V) Florence Dawson, Martha A. Dawson,

(Group VI) Charles T. Moore,

(Group VII) Ida Blasingame, Mary A. Blasingame,

(Group VIII) Martin L. Patterson, Alice Dawson, Sarah J. Dawson, nee Jones,

(Group IX) John W. Graham, Elizabeth Graham, Mathew A. Feister, Charles T. Bredeman, Bessie Graham,

(Group X) James H. Harmon, William C. Lenox,

(Group XII) Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson

(Group XIII) Hiram P. Weddle and Alonzo M. Fishback, should be

enrolled as citizens by intermarriage of the Cherokee Nation in accordance with the provisions of said Section twenty-one of the Act of Congress, and it is so ordered.

It is further the opinion of this Commission that, for the reasons heretofore stated, the applications for the enrollment of Arizona Allred and William C. Allred, (embraced in D 636); Francis M. Dawson, son of Elbert Dawson, (embraced in D 627); Osie Jackson, Lizzie Jackson, Jessie Jackson, May Jackson, and Clyde Jackson, the children of William and Lizzie Jackson, (embraced in D 830); James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe, (embraced in D 839), as citizens by blood of the Cherokee Nation, and that the applications of Lizzie Jackson, widow of William Jackson, (embraced in D 830), and George A. Mabry (embraced in D 979), as citizens by intermarriage of the Cherokee Nation should be denied, in accordance with the provisions of the law heretofore quoted, and it is so ordered.

As hereinbefore stated William Pierce (D 409) and Cecil Dawson (D 558) and Green W. Jackson (D 595), died prior to September 1, 1902. It further appears from affidavits, made a part of this record that Liddie and Margaret Graham (D 1128) have died since the date of the application for their enrollment and prior to September 1, 1902.

It is, therefore, ordered that the applications for the enrollment of said William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham be, and the same are hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(Signed) TAMS BIXBY,
Acting Chairman.

(Signed) T. B. ADDLES,
Commissioner.

Dated at Muskogee, Ind. Ter.,
this Dec. 23, 1902.

(Signed) C. R. BREECKINRIDGE,
Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 10th 1902

John B. Fishback,

Adair, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 17th day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Cherokee D-848

Register.

Acting Chairman

COPY.

Cherokee D-324--

Muskogee, Indian Territory, January 24, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George Jr. E. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Kate Dawson, Robert Dawson, Albert E. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Berman, John Dawson, Robert E. Dawson, Iola M. Dawson, Lemuel K. Dawson, Rosa B. Dawson, Charles B. Dawson, Mattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Marice J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Ona Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Doyle, James E. Bogle, Edna M. Bogle, John H. Bogle, Marvin R. Bogle,

Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence R. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Dora Moore, Walter Moore, Clara Moore, Ora Moore, James V. Moore, Edna R. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis T. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert D. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hallen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie L. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Tobie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn R. Woolley,

Mittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Lavarna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Fannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

You Are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. M-130.

Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James T. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert D. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse B. Graham, Gracie M. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Mattie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura

Fluornoy, Oscar Fluornoy, Claude Fluornoy, Edna Fluornoy, Finis T. Richardson, Jasper C. Richardson, Delia E. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

You have heretofore been furnished with a copy of the record of proceedings had in this case.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished both yourself and the principal applicant, by the attorney for the Nation.

The decision, together with the record of proceedings had in this case will be transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

You are requested to forward to the Commission two copies of your printed brief in this case, in order that the same may be included in the record to be forwarded to the Secretary of the Interior

Respectfully,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. M-45.

Register.

COPY.

Cherokee D.324.

Muskogee, Indian Territory, February 25, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Francis M. Dawson et al., applicants for enrollment as citizens of the Cherokee Nation, including the Commission's decision, dated December 23, 1903, granting said application as to Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E.Bogle, Edna M. Bogle, John H. Bogle, Marvin R.Bogle,

Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Rickard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Laverna A. Painter, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Ada E. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn R. Woolley,

Kittie Richardson, Edgar Flourney, Walter Flourney, Alice Flourney, Laura Flourney, Oscar Flourney, Claude Flourney, Edna Flourney, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Pulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Fogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson , Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson, and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

-2-

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

Enc. M-136.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, together with the Commission's decision in said case, and the protest of the Cherokee Nation against said decision, dated February 6, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

A. S. McClennon,

Attorney for Francis M. Dawson, et al.,

Wewoka, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

Cherokee D-845.

Muskogee, Indian Territory, February 25, 1903.

John E. Fishback,

Adair, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting, among others, your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation. There has heretofore been furnished your attorney, A. S. McKennon, Wewoka, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished both your attorney and the principal applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The actions of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. H-60.

Register.

Acting Chairman.

(COPY)

Refer in reply to the following:
Land 13658-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, October 16,1903

Cherokee Enrollment
Francis M. Dawson et al., Group 13.

The Honorable

The Secretary of the Interior.

Sir:

Referring to office report of even date transmitting the record relative to applicants, parties to Group 1 of the Francis M. Dawson Consolidated Case, there is enclosed herewith the record relative to the applicants involved in Group 13.

D 321, Group 13, page 1.

Lula Pearl Weddle applies for enrollment of herself and her minor children, Curtis and Morris O. Weddle, as citizens by blood and for the enrollment of her husband, Hiram F. Weddle, as a citizen by intermarriage. She also applies for the enrollment of Roy Weddle who was born subsequent to the date of her original application. He is properly identified by a birth affidavit.

D 322, Group 13, page 8.

William D. Douthitt applies for the enrollment of himself as a citizen by blood.

D 343, Group 13, page 9.

Alonzo M. Fishback applies for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife,

a Cherokee license, to Lula P. Douthitt (Group 13, page 1). Lula P. Weddle, nee Douthitt, was admitted to citizenship in the Cherokee Nation by the Spears Court, September 13, 1884. The decision of this Court admitting her is as follows:

And now on this the 13th day of September, 1884 comes this case for final hearing and all the evidence in the case having been carefully read and considered by the Commission on Citizenship it has been decided by the Commission that the above named Lula Dauthett and Dallas Dauthett are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

Eli Spears, pres.
John Lee,
Andrew Young,
Commission on Citizenship.

John L. Adair,
Clk Com'n.

Hiram P. Weddle and his wife are identified by the 1896 roll. Lula P. Weddle has lived in the Cherokee Nation since 1884.

William D. Douthitt (Group 13, page 8) is a brother of Lula P. Weddle and was admitted to citizenship in the Cherokee Nation by the Spears Court September 13, 1884. He is identified by the census roll of 1896 and the record shows he has lived in the Cherokee Nation since he was admitted to citizenship.

Leverna, or Verena, Fishback, nee Dawson (Group 13, page 9) is a daughter of Jasper Dawson, who was admitted to citizenship January 11, 1883. She was first married to Alonzo M. Fishback in 1887, in accordance with the laws of Texas. May 17, 1893, they were re-married in accordance with the laws of the Cherokee Nation. Leverna Fishback does not, however, claim right to enrollment by reason of the admission of her father but by reason of her own admission on December 1, 1894. The act of the national council admit-

ting her and others to citizenship is as follows:

Senate Bill No. 13.

Be it enacted, by the National Council, that M. A. Foland, Edna Mabry, Kittie Flourney, Verena Fishback, M. C. Taylor and Edmer Cox, together with their families, be, and are hereby entitled to all the rights and privileges as are enjoyed by the rest of the members of their families who are citizens of the Cherokee Nation by blood, and all of whom are now residents of ccowwsccowee district Passed by the Senate November 27th, 1894.

Reuch Young, President Senate.

J. C. Starr, Clerk of Senate.

Concurred in by Council November 28th 1894.

V. Gray, Speaker of Council Pro tem.

J. H. Dick, Clerk of Council.

Approved December 1st, 1894. C. J. Harris, Principal Chief C. N.

Alonzo M. Fishback, and the persons for whom he applied are identified by the Cherokee census roll of 1896. His wife is also identified by the Cherokee pay roll of 1890. The Fishback family has lived in the Cherokee Nation since 1883.

Elbert L. Morgan (Group 13, page 19) is the husband of Florence Morgan, Nee Flourney, who is the daughter of Kitty Richardson, formerly Flourney, nee Dawson. Mrs. Richardson was admitted to citizenship in the Cherokee Nation by the National Council December 1, 1894, under the name of "Kittie" Flourney. The members of her family were also admitted by this act.

John E. Fishback (Group 13, page 24) is a son of Leverna A. Fishback who was admitted to citizenship in the Cherokee Nation by act of the national council of December 1, 1894. His mother was admitted under the name of "Verena" Fishback.

Edna Mabry (Group 13, page 27) was married to George A. Mabry December 11, 1884, in accordance with the laws of the State of

Arkansas. She and her husband claim to have been married in 1880 under the laws of the Cherokee Nation. The record contains no evidence as to this latter marriage except the testimony of the applicants. Edna Mabry is a daughter of Robert and Nancy Dawson. Robert was admitted to citizenship in the Cherokee Nation January 11, 1883. Edna Mabry, however, does not base her right to enrollment on her father's admission. The record shows that she and the members of her family were admitted to citizenship by act of the national council approved December 1, 1894.

In view of the foregoing the office is of the opinion that the decision of the Commission with reference to the parties to this group is correct and should be approved except in so far as it relates to the enrollment of Hiram F. Waddle and Alonzo M. Fishback who are applicants for enrollment as citizens by intermarriage and to George A. Mabry who is an applicant for enrollment as an intermarried citizen whose enrollment has been denied by the Commission. The approval of the Commission's decision, except as to the parties mentioned, is recommended, and attention is respectfully invited to office report of even date transmitting Group 1, of this consolidated case.

August 31, 1903, Kimball & White, attorneys of this city, filed a brief and argument relative to the right of George A. Mabry to enrollment as an intermarried citizen. In their letter it is stated that a copy of the brief was forwarded to the attorney for the Cherokee Nation.

September 25, 1903 (I.T.D. 8015), the Department forwarded to this office the reply of the Cherokee Nation to the brief above mentioned. May 23, 1903 (I.T.D. 4851), the Department transmitted to this office a motion for a new hearing with reference to the right of George A. Mabry to enrollment.

August 24, 1903, Kimball & White filed a motion "for review and recommitment" to the Commission of this group in so far as it relates to the right of George A. Mabry to enrollment as an intermarried citizen.

The evidence does not show that George A. Mabry and his wife, Edna Mabry, have been married in accordance with the laws of the Cherokee Nation. Mabry testifies that they were so married but he did not furnish a copy of the marriage license or of the record of the Cherokee Nation pertaining to such marriage. In order that no injustice may be done this applicant, the office believes that the case, so far as he is concerned, should be returned to the Commission in the event the Court of Claims finds that intermarried citizens are entitled to enrollment and to participate in the distribution of the Cherokee estate.

It is not believed, however, that the case should be returned until after the Court of Claims shall have made its findings and rendered an opinion on the question submitted to it by the Department February 24, last.

Attention is respectfully invited to the fact that the act of December 1, 1894, admitted to citizenship in the Cherokee

Nation Edna Mabry, among others, "together with their families." George A. Mabry and Edna Mabry were married prior to the date of said act and it may be possible that George A. Mabry was admitted to citizenship in the Cherokee Nation December 1, 1894, by reason of the fact that his wife and the members of her family were admitted to citizenship. However, as he has applied for enrollment as an intermarried citizen the office does not consider it necessary to discuss this point but invites attention thereto.

Very respectfully,

W. A. Jones,

Commissioner.

C.A.W. (3).

D. C. 10613-1904. DEPARTMENT OF THE INTERIOR,

WASHINGTON.

JP
VHK
J.W.M.

LRS

ITD 7443-1903.
7453- "

March 31, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 25, 1903, you transmitted the record in the matter of the application of Francis M. Dawson et al., for enrollment as citizens of the Cherokee Nation. In your decision of December 23, 1902, you disposed of the applications in the Dawson case by groups. In this letter Group XIII, as disposed of by you, will be considered.

This group includes those applications designated by you as D. 343, D 321, D 737, D 845 and D 979.

Title D 343 refers to the application of Alonzo M. Fishback for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Leverna A., and his minor children, William A. and Annie B. Fishback, as citizens by blood of the Cherokee Nation. It appears that the said Alonzo M. Fishback was married May 17, 1893, in accordance with the laws of the Cherokee Nation to Leverna A. Dawson, to whom he was previously married in the

State of Texas, according to the laws thereof in 1877. She was admitted to citizenship in the Cherokee Nation by the act of the National Council approved December 1, 1894, under the name of Verena Fishback.

All the members of this family are identified upon the 1896 roll. Vervena Fishback is also identified upon the pay roll of 1890. The father and mother have resided in the Cherokee Nation si nce 1883.

Title D 521, refers to the application of Lula Pearl Weddle for the enrollment of herself and her minor children, Curtis, Morris O., and Roy Weddle, as citizens by blood, and for the enrollment of her husband, Hiram F. Weddle, as a citizen by intermarriage of said nation. It appears that Lula Pearl Weddle, formerly Lula Pearl Douthitt, was admitted to citizenship in the Cherokee Nation by decree of the Spears Court dated September 13, 1884. She has resided in the Cherokee Nation since 1884, and is identified upon the 1896 census roll. Her children named above are identified by birth affidavits.

Title D 737 refers to the application of Elbert L. Morgan for the enrollment of his wife, Florence, and his minor children, Clide and Alice A. Morgan, as citizens by blood of said nation. It appears that the said Florence Morgan is the Florence Flourney referred to under title D 715, which was disposed of by you in Group xii. She was admitted to citizenship December 1,1894, with her mother, Kitty Richardson, formerly Flourney as a member of her

family. She has resided in the nation since 1894. Her children, Clide and Alice A. Morgan, are identified by birth affidavits.

Title D. 845 refers to the application of John K. Fishback for the enrollment of himself as a citizen by blood of said nation. This applicant is a son of the Leverna Fishback who was admitted to citizenship on December 1, 1894, and was a minor at that date. He is identified on the census roll of 1896 and has resided in the Nation since 1894.

Title D. 979 refers to the application of George A. Mabry for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Edna, and his minor children, Roby and Charlie Mabry, as citizens by blood of said nation. The principal applicant was married to Edna Dawson in Arkansas, in 1884. Subsequently, it is claimed, they married in the Cherokee Nation, in accordance with the laws thereof, in 1889. The testimony is not clear as to whether or not George A. and Edna Mabry were married in accordance with the Cherokee law. They were married, however, at the date of her admission by the National Council, viz: December 1, 1894, to Cherokee citizenship, her name appearing therein as Edna Mabry. She is identified on the strip payment roll of 1894, and has resided in the nation with her husband since 1884. Their children, Roy and Charlie Mabry, were minors at the date of their mother's admission.

The attorneys for Mabry have filed a motion for a rehearing in his case, supported by a brief. Both motion and brief have been

duly served upon the attorney for the Cherokee Nation. The latter has filed a reply thereto. The purpose of said motion is to secure a rehearing in order to establish that George A. Mabry was married in accordance with the laws of the Cherokee Nation.

In said decision of December 23, 1902, you held that all of the applicants are entitled to enrollment except George A. Mabry.

Reporting in reference to this group on October 16, 1903, the Commissioner of Indian Affairs recommended that your decision be approved, except in so far as Hiram F. Weddle, Alonzo M. Fishback, and George A. Mabry are concerned, who are classified as applicants claiming by intermarriage. The Commissioner is of the opinion that George A. Mabry should have an opportunity to show that his marriage with Edna Dawson was performed in accordance with the Cherokee law. He does not believe, however, that the case should be returned until after the Court of Claims has rendered its opinion submitted to it by the Department on February 24, 1903. He calls attention, however, to the act of December 1, 1894, which reads as follows:

"Senate Bill No. 18.

Be it enacted by the National Council, that M. A. Foland, Edna Mabry, Kittie Flournoy, Verena Fishback, M. C. Taylor and Edner Cox, together with their families, be, and are hereby entitled to all the rights and privileges as are enjoyed by the rest of the members of their families who are citizens of the Cherokee Nation by blood, and all of whom are now residents of Cooweescoowee district.
Passed by the Senate November 27th, 1894.

Roach Young, president Senate,
J. C. Starr, Clerk of Senate.

Concurred in by the Council November 28th, 1894.

V. Gray, Speaker of Council, protem.
J. M. Dick, Clerk of Council.
Approved December 1st, 1894.

C. J. Harris, Principal Chief, C. N."

and states that it is possible that George A. Mabry was admitted to

citizenship by the force of said act. In view of the fact that Mabry applied for enrollment as an intermarried citizen, the Commissioner considers it unnecessary ~~x~~ to discuss his rights under said act of the National Council.

It should be noted in this connection, that if the act is applicable to Mabry, it also refers to Alonzo M. Fishback.

Title D 522 refers to the application of William D. Douthitt for the enrollment of himself as a citizen by blood of said nation. He was admitted to citizenship by the National Council September 13, 1884, and is identified on the census roll of 1896. Since 1884 he has resided in the nation.

The Department concurs in your decision as to those applicants who claim enrollment by blood. Respecting those claiming by intermarriage, action will be deferred until a decision shall be rendered by the Court of Claims concerning the rights of intermarried persons to enrollment in the Cherokee Nation.

A copy of Indian Office letter of October 16, 1903, relating to this group, is inclosed.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.

CCF

Cherokee D-865.

Muskogee, Indian Territory, April 12, 1904.

John R. Fishback,

Adair, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, granting, among others, your application for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 31, 1904.

Respectfully,

Commissioner in Charge.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

A. S. McKennon,

Attorney for Francis M. Dawson, et al.,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting the applications for the enrollment of Francis M., Lula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Francis M. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. F. Atkins, John W., Albert M., Ralph M., Alford, Samuel R., August, Nate and Robert Dawson, Katie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, John, Robert B., Lela E., Lemuel M., Rosa E., Charles B., Hattie J., Jennings B., James U., Vergal C., Thomas P., Marice J., Orle M., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Harmon, Toshie A. Jackson, Fannie, Birtie E. and Myrtle Lenox, Missouri, Tempa V., Robert S., Gideon, John W., Julius E., Francis W., Mary E., Jesse E., Gracie A. and Florence M. Graham, Laverna A., Ada R., Eva P., John W., Ray D., Roberta A., and

Roy V. Painter, Florence P., Myrtle and Claude Bradshaw, Joe E., William C., John F., Edna M. and Robert Lee Graham, Joe Willie Neal, James L., Marion, Maggie, Luther and Floyd Graham, Mollie, Nora, Walter, Clara, Ora, James W., and Edna Edith Moore, Richard W. and Ina D. Dawson, Ella L., Hellen J. and William Glenn Spickerman, Wilbert E., Ralph E., Robert L., and William C. Dawson, Zona, Sarah A., Martha A., Claud A., Edgar D., Thomas M. and Virgil V. Patterson, Joseph R., Clarence E., Council J., Elmer A., Cleo, Rufus T., Edgar, Wilborn, James R., Vinnie B., Ermine C., Edwin C. and Ancil E. Dawson, Etta Brauer, Kitty, Delia F., Finis T. and Jasper Cecil Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy, Texanna, Irene W. and Wilburn E. Woolley, Laverna A., William A. and Annie B. Fishback, Lula P., Curtis, Morris O. and Roy Weddle, Florence, Clide and Alice A. Morgan, John E. Fishback, Edna, Roby and Charley Mabry and William D. Douthitt, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Liddie and Margaret Graham as citizens by blood of the Cherokee Nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 31, 1904, and that the Commission's decision rejecting the applications for the enrollment of James, May, Zelma, Roberta, and Rosa Lowe, Osie, Lizzie, Jessie, Ray, and Clyde Jackson as citizens

by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

(SIGNED) T. B. Ma[illegible]

Commissioner in Charge.

CC

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting the applications for the enrollment of Francis M., Eula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Francis M. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. P. Atkins, John W., Albert M., Ralph M., Alford, Samuel R., August, Nate and Robert Dawson, Katie Newman, Josephine, Dora, Ida, Annie, Blanche, Ray and Oscar Bulawsky, John, Robert B., Iola M., Lemuel M., Rosa B., Charles B., Hattie J., Jennings B., James U., Vergal C., Thomas P., Mariee J., Orle M., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Harmon, Toshie A. Jackson, Fannie, Birtie E. and Myrtle Lenox, Missouri, Tampa V., Robert S., Gideon, John W., Julius E., Francis W., Mary E., Jesse E., Gracie M. and Florence M. Graham, Laverna A., Ada R., Eva P., John W., Ray D., Roberta A., and

Roy V. Painter, Florence P., Myrtle and Claude Bradshaw, Joe E., William C., John F., Edna M. and Robert Lee Graham, Joe Willie Neal, James E., Marion, Maggie, Luther and Floyd Graham, Mollie, Mora, Walter, Clara, Ora, James W., and Edna Edith Moore, Richard W. and Ina E. Dawson, Ella L., Hellen J. and William Glenn Spickerman, Elbert E., Ralph E., Robert L., and William C. Dawson, Zona, Sarah A., Martha A., Claud A., Edgar D., Thomas M. and Virgil V. Patterson, Joseph R., Clarence E., Council J., Elmer A., Cleo, Rufus T., Edgar, Wilborn, James R., Vinnie D., Ermine C., Edwin C. and Ancil F. Dawson, Etta Brauer, Kitty, Delia F., Finis T. and Jasper Cecil Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy, Texanna, Irene W. and Wilburn E. Woolley, Laverna A., William A. and Annie D. Fishback, Lula P., Curtis, Morris O. and Roy Weddle, Florence, Clide and Alice A. Morgan, John E. Fishback, Edna, Roby and Charley Mabry and William D. Douthitt, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Liddie and Margaret Graham as citizens by blood of the Cherokee nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 31, 1904, and that the Commission's decision rejecting the applications for the enrollment of James, May, Zelma, Roberta, and Rosa Lowe, Osie, Lizzie, Jessie, Ray, and Clyde Jackson as citizens

ay blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

(SIGNED). T. B. Needles.

Commissioner in Charge.

Cher 10769

Edna Mabry

Trans. from D979

Cher 10769

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I.T. December 14, 1900.

In the matter of the application of George A. Mabry for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A George A. Mabry.
Q What is your age? A 39.
Q What is your post office address? A Talala.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A I have been.
Q By blood or intermarriage? A Intermarriage.
Q For whom do you apply for enrollment? A My wife and two children.
Q And yourself? A No, I haven't got my certificate.
Q Have you got any certificate of marriage at all? A I have when I was married in the States.
Q Were you ever married according to the laws of the Cherokee Nation? A Yes sir.
Q Did you get a license according to the laws of the Cherokee Nation? A Yes sir.
Q What is the name of your wife? A Edna Dawson, it was.
Q How old is she? A 39.
Q Has she ever been married before? A No sir.
Q Give me the names of your children? A Roby.
Q How old is he? A He's fourteen.
Q The next child? A Charley.
Q How old is he? A 11.

Applicant presents a certificate executed by William H. Mayes, Assistant Executive Secretary, under the seal of the Cherokee Nation certifying that by an act of the National Council, approved Dec. 1st, 1894, Edna Mabry and family were readmitted to all the rights and privileges of citizenship. Applicant also presents marriage license and certificate, certifying that he was married according to the laws of the State of Arkansas on the 11th day of December, 1884, to one Edna Dawson.

Q Was your wife enrolled in 1896? A I guess so, when she was re-admitted.
Q Did your family draw strip money ? A No sir.
1894 roll; page 249, (no number given) Edna Mabry, Cooweescoowee. Note: Stricken from rolls by direction of an act approved May 5, 1894.
Q Were you ever married according to the laws of the Cherokee Nation? A Yes sir.
Q Have you your marriage license and certificate? A No sir. I gave them to Mr. Mayes to place me on the rolls once before that and the papers, and he placed me on the roll, and I never did get my papers back. He said that Walter Jackson had my papers, and he never forwarded them to me, and I had to go to work and het re-admitted again.
Q The question I asked you was whether you were married according to the laws of the Cherokee Nation? A Yes sir, that was what I was trying to explain to you.

By W. W. Hastings-
Q When were you married to Edna Dawson according to Cherokee law?
A In '89.
Q That was before she was admitted by this act of the National Council? A Yes sir, she had been admitted once before. It seems as though they didn't put it on record before I was ever married.

2 G.A.M.

Q What was the name of your wife's father? A Robert Dawson.
Q What was the name of her mother? A Nancy Dawson.
Q She claimed her citizenship through Robert Dawson her father?
A Yes sir.
Q Do you know who Robert Dawson's father was? A No sir, I don't
Q You know who Robert Dawson's mother was? A No sir.

Commissioner-
Q How long have you lived in the Cherokee Nation? A For 16 years.

Commissioner Needles-

Applicant presents a certificate of admission more particularly described in the testimony admitting his wife, Edna Mabry and her family to Cherokee citizenship, and he presents certificate of marriage to her, certifying that he was married according to the laws of the State of Arkansas, on the 11th day of December , 1889. He also avers that since that time he was married to his wife, Edna Mabry nee Dawson, according to the laws of the Cherokee Nation, but presents no proof to that effect. The names of himself, and his wife Edna, and his two children, Roby and Charley, for whom he applies are not found upon any of the rolls of the Cherokee Nation. He avers that he has resided in the Cherokee Nation for the past 16 years. By reason of the fact that the said George A. Mabry presents no satisfactory proof of his marriage, according to the laws of the Cherokee Nation, and the further fact that the names of himself, nor his wife Edna, nor that of his two children, Roby and Charley, appear upon any of the rolls of the Cherokee Nation, and the cause of the further fact of the protest of the representatives of the Cherokee Nation as to the enrollment of said George A. Mabry, and his wife, Edna and her family final judgment as to the enrollment of said parties will be suspended, and their names be placed upon a doubtful card The said representative of the Cherokee Nation protesting on the ground that the father of Edna Dawson was admitted to citizenship in the Cherokee Nation through fraud, and that the said Edna Dawson was admitted upon the strength of her father eing a Cherokee citizen and having been rightfully admitted as such.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full true and correct transcript of his stenographic notes in said case.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 17th day of December 1900.

(Signed) T. B. Needles,
Commissioner.

Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Edith L. Morey.

Subscribed and sworn to before me this 27th day of August, 190[illegible]

Charles K. Sawyer
Notary Public.

Department of Applicants Before Dawes Com.

CHEROKEES BY BLOOD AND ADOPTION.

Date 1714 — 1900.

39 Name George A. Mabry Tahlequah Ind. Ty.

District [illegible] Year 1896 Page [illegible] No. [illegible]

Citizen by blood No Mother's citizenship [illegible]

Intermarried citizen Yes

Married under what law [illegible] Date of marriage [illegible]

License [illegible] Certificate [illegible]

39 Wife's name Edna Mabry

District Coo. Year 894 Page 245 No. —

Citizen by blood [illegible] Mother's citizenship [illegible]

Intermarried citizen [illegible]

Married under what law [illegible] Date of marriage [illegible]

License [illegible] Certificate [illegible]

Names of Children:

39 Ruby Mabry	Dist.	Year	Page	No.	Age 14
40 Beulah "	Dist.	Year	Page	No.	Age 11
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

[illegible] Not to be Enrolled.

S U P P L E M E N T A L T E S T I M O N Y.

D #972.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 15th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Augustus Mabry et al. for enrollment as citizens of the Cherokee Nation. Said Mabry being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A George Augustus Mabry.
Q How old are you? A 39.
Q What is your post office? A Talala.
Q You want to introduce some additional testimony do you? A Yes sir, I have a witness here.
Q You made application for enrollment before? A Yes sir, I made application for enrollment at Tahlequah.
Q Have you applied for your own enrollment before? A No, sir.
Q You want to apply now for yourself? A Yes, sir.
Q In what district do you live? A Cooweescoowee.
Q Do you apply as a Cherokee by blood? A No sir.
Q White man? A Yes, sir.
Q Have you your marriage license and certificate? A No, sir, I give you my marriage license where I was married in the state and the marriage license where I was married in the Territory, got misplaced, and I could not find it.
Q Why did not you get an official copy of it? A I tried to but could not find it.
Q Did you get an official license? A Yes, sir.
Q When did you marry? A '89.
Q To whom were you married? A Edna Dawson.
Q She is living now is she? A Yes, sir.
Q How old is she? A 39.
Q Were you ever married except to her? A No, sir.
Q Was she ever married except to you? A No, sir.
Q Have you and she lived together ever since you were married? A Yes sir.
Q Was your wife enrolled in 1880 or was she admitted by the Cherokee Commission? A She was admitted.
Q Where is the certificate of Admission? A I could not say, I can give you where she was admitted in 1896.
Q By the Dawes Commission or by the Cherokee Court? A It was by the Cherokee Council.

Com'r:-- The applicant presents an official copy of Senate Bill No. 15, of the Cherokee Council approved December, 1, 1894, showing that certain persons were admitted to citizenship by the Cherokee Commission on citizenship as Cherokee citizens by blood, and among them appears the name of Edna Mabry? (Q That is intended for your wife is it? A Yes, sir.) This is recognized as official evidence of the applicant's wife's admitted to citizenship and is filed herewith.

Q Mr. Mabry, it appears that your wife was admitted to citizenship in 1894, but none of them are on the roll of 1896? A I lived in Cooweescoowee district and they were prejudiced against me.
Q I am talking now particularly about the roll of 1896, did you apply to be admitted on that roll? A Yes, sir, I appears before the Dawes Commission.
Q It appears that you were put on the roll, that is your and your family and afterwards struck off; you consider that a hostile act and that you should have been kept on there? A Yes, sir.
Q Have you and your family lived in the Cherokee Nation ever since your wife and children were admitted in 1894? A Yes, sir.

Q Have not lived outside at all? A No, sir.
Q Now, Mr. Mabry, how can you explain the lack of official evidence of your marriage according to the Cherokee law in the record; in what district were you married? A I was married in Delaware district.
Q Those books have not been burned or anything of that sort have they? A I can't say, I do not think they have.
Q Have you made search at Tahlequah for the records? A I wrote twice and they wrote back that they could not find anything.
Q You got the license from the Clerk did you? A Yes, sir.
Q What did you pay for it? A Ten dollars.
Q Did you take the oath of allegiance to the Cherokee Nation? A Yes, sir.
Q When did you get the license? A 1889.
Q You were not married under Cherokee Law after your wife was admitted? A No, sir.
Q When did you wife make application for admission? A It is a long story to tell you; she was readmitted once before and did not show up on the books and had to be readmitted again.
Q When did she make application for the second admission? A It was either 1893 or '94.
Q Now your wife was admitted in December, 1894; when did she make the application on which she got that admission? A November of 1894.
Q You say you took the oath of allegiance to the Cherokee Nation when you married? A Yes, sir, I taken it when I got the license.
Q What did you do with your license? A I turned them over to Sam Mayes, he placed me on the rolls.
Q Who is Sam Mayes? A He was in the Senate at that time.
Q What did you do about getting your license recorded with the clerk, did you turn it over to the Clerk to be recorded? A No, sir.
Q Who is there here that known that you got out your license? A Mr. Dawson there knows it.

FRANCIS M. DAWSON, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name, please? A Francis M. Dawson.
Q How old are you? A 58.
Q What is your post office? A Oceo.
Q How long have you lived in the Cherokee Nation? A Ever since 1883.
Q Do you know Mr. Mabry here? A Yes, sir.
Q His wife is your daughter? A No, sir, half sister.
Q Do you know about his getting out a Cherokee license to marry her? A Yes, sir, I was at the Clerk's office when he ogt ot.
Q Did you see him apply for it? A Yes, sir.
Q You saw him pay the legal fees? A Yes, sir.
Q Did you see him take the oath of allegiance to the Cherokee Nation? A Yes, sir.
Q And about when was all that, Mr. Dawson? A I do not remember the dates; it has been a great while ago, it has been nine or ten years ago.
Q Do you know of any reason why the fact of his getting the license is not of record in the official record? A No, sir.

GEORGE A. MABRY, The Applicant, further testified:
Examination by W. W. Hastings.
Q Do you remember the exact date of your marriage in 1889?
A As near as I can recollect it was in May, 7th.
Q You got your license from Cal James who was Deputy clerk at that time under Claude Skelton? A Yes, sir.

By Commissioner Breckinridge:

Q Who married you? A A fellow by the name of Faulks.

Com'r Breckinridge:-- The applicant is found to be included in the application in case D #979 and this testimony will be filed with this case as supplemental thereto for the further consideration of the Commission and a note will be made on the card of this additional testimony.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as steno rapher to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson

Subscribed and sworn to before me this 17th day of January, 1901.

(Signed) E. R. Breckinridge,
Commissioner.

---:---

Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and complete copy of the original transcript.

Edith L Morey.

Subscribed and sworn to before me this 27th day of August, 1904.

Charles W. Campbell

Notary Public.

Supl.-C.D.#979.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 17, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of GEORGE A. MABRY, ET AL., as citizens of the Cherokee Nation; introduced on part of the applicants:

The case having been set for final hearing on this 17th day of March, 1902, the following proceedings were had.

Appearances:
Mr. A. S. McKennon, of Counsel for Applicants;
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

S. H. MAYES, being duly sworn, testified as follows on part of applicants:
MR. McKENNON:

Q What is your name? A S. H. Mayes.
Q What is your age? A 56 years old.
Q Do you know George A. Mabry? A Yes, sir; this is the gentleman that is here?
Q Yes, sir. A Yes.
Q Were you a member of the Cherokee Senate in 1891? A Yes, sir.
Q The question would be were you a member of the Cherokee Senate from 1889 to 1891? A Yes, sir; that is my recollection.
Q During that time did applicant, George A. Mabry, furnish you ~~mmm~~ with any papers relating to his citizenship? A Yes, he came down there and appeared about his right question; in taking the census he was put on what is called a doubtful card, doubtful roll, and he came down there with some papers, and I don't remember whether it was a marriage license or marriage certificate; any way with the papers we had before that was satisfactory to the Committee and we put him off of the doubtful card on the straight Cherokee roll, but what that paper was I don't know; I could not be positive about it; it has been a good while ago.
Q Do you know what went with those papers? A No, sir; I do not.
Q You don't know whether they were ever returned to him or not? A No, when he started away from here he told me about some papers and I asked him to send them; the papers was in the hand of the Committee and I instructed Mr. Baugh to send them to him; Mr. Baugh was Clerk of the Committee at that time.
Q Do you know what he did with them? A No, sir, I don't.
MR. HUTCHINGS, of Counsel for Cherokee Nation:
Q You don't remember whether this was a marriage certificate or marriage license? A No, sir.
Q You don't know who signed it? A No, sir.
Q You remember more about the action of the Committee, that there was some sort of paper there? A Yes, sir; that is what I remember about it.

GEORGE A. MABRY, the applicant, re-called, further testified in his own behalf:
MR. McKENNON:

Q Your name is George A. Mabry? A Yes, sir.
Q You are a white man? A Yes, sir.
Q You intermarried with Nina Dawson, did you not? A Yes, sir.
Q Who claims to have been admitted as a Cherokee citizen? A Yes.
Q When was that? A When this marriage took place?

Q Yes. A In the spring of '89.
Q Did you obtain a marriage license under Cherokee law at that time?
A Yes, sir.
Q Have you that license now? A No, sir.
Q What became of it? A I turned them over to Mr. Sam Mayes.
Q S. H. Mayes? A Yes, sir.
Q Have you ever seen it since? A Yes, sir.
Q Then it is lost or mislaid? A Yes, sir.
Q In obtaining that license did you comply with the Cherokee laws for intermarriage? A Yes, sir.
Q Did you take the oath of allegiance before the Clerk? A Yes, sir.
Q Who was the clerk who issued that license? A Cal James, he wasn't the Clerk, he was the Deputy there.
Q Where? A Fairland.
Q What district? A In Delaware.
Q You were duly married then to Edna Dawson under that license, were you? A Yes.

MR. HASTINGS, of Counsel for Cherokee Nation:

Q Was that your first marriage, Mr. Mabry? A No, sir.
Q You had been married to your wife previous to that, same wife?
A Yes, sir.
Q Where were you married to her? A Berryville, Arkansas.
Q When? A That was in, I don't remember; '84 as I recollect.
Q That was before she came here? A Well, she had been here before, but she had went back to her mother was sick there and she went back.
Q How long did you live there before you came here; when did you come here in,-17 years ago last August.
Q That would be in '85, wouldn't it, last August you say; that would be August of '84? A Yes.
Q What time of the year did you marry her? A December.
Q You are mistaken about that; you came the next August after you were married, didn't you? A No, I was here, I just went back there; she was out here and went back there and I went back there. I come from Texas here and I went back there; I come here in August from Texas and in December I went on there.
Q Then you come to the Cherokee Nation in August; then you married in December? A Yes, sir.
Q August of '84? A Yes, sir.
Q How long did you stay out at Arkansas when you married in '84?
A I must have stayed a month or two months, I don't remember; I think it was in February I come back.
Q Do you remember now whether it was 1889 or 1890 you married the last time? Itwas in '89 the best of my knowledge.
Q Now, what time in the year 1889? A It was in the spring.
Q First part of the year? A Along in April.
Q Well, now, do you remember what year it was that you presented this marriage license to Mr. Mayes? A Seems to me it was in the fall of the year.
Q Was it that same fall of 1889? A I don't hardly think it was; I think it was in the next fall.
Q You think it was in the fall of '90? A Yes, sir.
Q You don't think you have ever seen that since? A No, sir.

FRANCIS M. DAWSON, being duly sworn, testified as follows on part of the applicants:

MR. McKENNON:

Q What is your name? A Francis M. Dawson.

Q How old are you, Mr. Dawson? A I will soon be 60.
Q What relation are you to George A. Mabry? A A brother-in-law.
Q His wife then was your sister? A Yes, sir.
Q Do you know anything about his having obtained a license about the year 1899 under Cherokee laws to marry his wife Nina? A Yes, sir; I went with him to the Clerk's office to get the license.
Q Tell what occurred there? A Cal James was Deputy Clerk and issued the license to him to marry his wife.
Q Did he comply with the Cherokee laws in obtaining that?
A Yes, sir
Q Took the oath of allegiance? A Yes, sir.
Q You were present? A Yes, sir.

MR. HASTINGS:

Q Who married them? A I wasn't at the wedding.

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I, J. O. Rossen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen

D 979

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., OCTOBER 16TH, 1902.

In the matter of the application of George A. Mabry for the enrollment of himself as a citizen by intermarriage and for the enrollment of his wife, Edna, and two children, Roby and Charley, as citizens by blood of the Cherokee Nation.

George A. Mabry, being first duly sworn, under examination by the Commission testified as follows:

Q What is your name? A George A. Mabry.
Q How old are you? A 41.
Q What is your postoffice? A Talala.
Q Are you a white man? A Yes.
Q Are you claiming as a citizen by intermarriage? A Yes.
Q What is your wife's name? A Edna Dawson.
Q That was her name before you married her? A Yes sir.
Q Is she a Cherokee citizen by blood? A Yes sir.
Q How long has your wife been living in the Cherokee Nation? Been living here 17 years.
Q Was she admitted in 1883? A Yes.
Q When were you married to her? A I was married to her in 1884 in the State of Arkansas.
Q When were you married to her under a Cherokee marriage license? A '89.
Q Is Edna your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q Neither you nor your wife had ever been married before? A No sir.
Q Have you and your wife, Edna, been living together ever since you have been married? A Yes sir.
Q Have you made the Cherokee Nation your home all that time? A Yes/
Q How many children have you by your wife, Edna? A 2, Roby and Charley.
Q Are they both living now? A Yes sir.
Q And your wife is living also? A Yes sir.

Cora Moore, being first duly sworn, tates that as stenographer to the Commission to the Five Civilized Tribes she reported in full the testimony and proceedings in this case and that the foregoing is a true and complete transcript of her stenographic notes thereof.

(Signed) Cora Moore.

Subscribed and sworn to before me this 24 day of October, 1902.

(SEAL) (Signed) B. C. Jones, Notary Public.

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Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and complete copy of the original transcript.

Edith L. Morey.

Subscribed and sworn to before me this 27th day of August, 1904.

Karen K. Langer
Notary Public.

To be filed with D. W. 979, George A. Mabry et al.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., SEPTEMBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF Francis Marion Dawson, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, C. B. Breckinridge, testified as follows:

Q What is your full name? A Francis Marion Dawson.
Q What is your age? A I am fifty eight years old.
Q What is your Postoffice? A Oocoma.
Q What District do you live in? A Delaware.
Q Who is it you want to have enrolled? A Myself and family.
Q Your wife? A Yes, sir.
Q How many children? A Six.
Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A No, sir; she is a white woman.
Q How long have you lived in the Cherokee Nation? A Since 1872.
Q Were you admitted by the Cherokee Commission? A Yes, sir.

The applicant presents a duly authenticated certificate of admission to citizenship, showing that on the 11th day of January, 1883, certain persons were admitted by the Commission on citizenship, and among them appears the name of F. M. Dawson.

Q That is your name is it? A Yes, sir.

This is recognized as satisfactory evidence of the facts stated.

Q Have you lived in the Cherokee Nation ever since your admission?
A Yes, sir; in Delaware District ever since.
Q Give us the name of your wife? A Katie Dawson.
Q How old is she now? A Forty five.
Q Was she admitted with you? A No, sir.
Q Have you married her according to Cherokee law since your admission? A No, sir.
Q You have not remarried since your admission? A No, sir; it was not necessary.

The applicant presents a duly authenticated marriage license and certificate, showing that he was married to his wife, as stated by him, in 1880, by the Reverend R. W. Goudelock, in Carrol County, Arkansas, the license being issued by the Clerk of that County.

These papers are filed herewith.

Q Your wife was not admitted by the Cherokee Commission, when you were? A No, sir.
Q Or at any other time? A No, sir.
Q By act of the Commission or Council? A No, sir: she was placed on the rolls.
Q On the commn rolls? A Yes, sir.
Q Give us the names of your children, please? A Lula.
Q How old? A Seventeen.
Q Next child? A Ray.
Q How old? A Fifteen.
Q Next child? A Jessie Jane.
Q How old? A Fourteen.
Q Next child? A Jacob Lowy.
Q How old? A Ten.
Q Next child? A Hugh A.
Q How old? A He is eight I believe.

Q Next child? A Laura.
Q How old is that child? A She is four years old.
Q Is that all? A Yes, sir; six of them. I have others, but they are not at home.
Q Are they married? A No, sir.
Q Are they ever ages? A Yes, sir.

(1896 Roll, Page 461, #902, Francis Marion Dawson, Delaware.
1896 Roll, Page 869, #135, Katie Dawson, Delaware District.
1896 Roll, Page 461, #902, Lula Dawson, " "
1896 Roll, Page 461, #904, May Dawson, " "
1896 Roll, Page 461, #905, Jesse James Dawson, Delaware Dis't.
1896 Roll, Page 461, #906, Jacob Levy Dawson, " "
1896 Roll, Page 461, #907, Hugh A. Demmore Dawson, " "
1896 Roll, Page 461, #908, Laura Albertie Dawson, " ")

Q Is this Lula or Luly? A Luly.

The applicant applies for the enrollment of himself, wife and six children:

Q Were these children all born since you were admitted into the Cherokee Nation? A Yes, sir.

The applicant is shown by the certificate of admission, cited in the testimony, to have been admitted to Cherokee citizenship, by the Commission on Citizenship, January 11th, 1883; he is identified on the roll of 1896, but the representative of the Cherokee Nation desires to make inquiry into the evidence of that time, and for that reason, the application of the applicant will at present be placed on a "Doubtful Card." He has lived in the Cherokee Nation ever since his admission to citizenship. His wife was married to him under United States law, and was admitted prior to his admission; she is a native born Cherokee according to Cherokee law; she has lived with him ever since his admission to citizenship, and she is identified on the roll of 1896. The application for her enrollment will be placed on a "Doubtful Card".

These six children, as enumerated in the testimony are identified on the roll of 1896: They are living at this time, all having been born since his admission (Applicant's). These children will be placed with him on a "Doubtful Card". The applicant's marriage to the mother of these children is established by the marriage license and certificate filed herewith. If any additional papers, adverse are developed in this case, he will be given timely notice thereof.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Cravens.

Subscribed and sworn to before me
this 14th day of September, 1906.

(Signed) C. E. Brockinridge,

Commissioner.

BEFORE THE DAWES COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment :
of F. K. Duncan and others as :
Cherokee citizens. :

Depositions of sundry persons in behalf of the applicants for enrollment mentioned in the title, taken before me, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, at the office of J. B. Denison in the Gray-Halsell Building in the town of Vinita, Indian Territory, on Thursday the fourth day of October 1900, between the hours of one and a half o'clock and six o'clock in the afternoon of said day, in accordance with the agreement to take testimony, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

T. F. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY C. B. DENISON:

Q State your name, age, residence and occupation?
A T. F. Thompson, 58 years old, I live near Vinita, Cherokee Nation, I. T. I am a farmer.
Q How long have resided in the Cherokee Nation? A All my life.
Q Are you a citizen of the Cherokee Nation as now constituted?
A Yes, sir.
Q Upon what is that citizenship based, blood or otherwise?
A Blood.
Q What, if any official position have you held in the Cherokee Nation, and at what time?
A I was elected to the Cherokee Council in 1870 some odd, I don't remember the exact year, I was also on the Commission Court.
Q Do you remember when that was? A Some time in 1880 or 1881, I think, it may have been earlier.
Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.
Q State, if you remember, how many members of that Commission or Court, there were, and who they were besides yourself?
A There were three, Tehee, Wolf and myself, Tehee was President of the Court.
Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.
Q Did you have a Clerk? A Yes, sir.
Q Do you remember who that was? A D. W. C. Duncan.
Q Do you know whether the members of that Commission besides yourself, are living or dead? A Yes, sir, they are both dead.
Q Can you recollect now what period of time that Commission lasted?
A About two years I think, two, sessions, and there was one session each year.
Q Were the sessions of that body held in Tahlequah, open to the public at all times when it was in session?
A Yes, sir.
Q Were the cases coming before that body heard in open session?
A Yes.
Q Witnesses examined orally? A Yes, sir.

Q Judgments of the Court or Commission pronounced in open session?
A In case of decisions I think they sometimes had secret sessions, yes, the judgments of the Commission were pronounced openly.
Q What you intended to convey by you answer to the former question was that after hearing the proof the Commission or Court deliberated in secret session upon the testimony taken before reaching a decision or announcing it? A After hearing all the testimony we went into secret session.
Q I will present you with a paper which the Notary will mark exhibit "A" and a copy of which he will attach to your deposition, and will ask you if with the exception of the certificate of record by H. L. Dragdon, Clerk, and John L. Adair Asst. Ex. Secretary, you recognize it as a paper you have ever seen before?
A I recognize the signature to it, but don't remember the instrument.
Q Which signature on that paper do you recognize? A My own.
Q That signature is in your own handwriting? A Yes, sir.
Q Do you know whether Thomas Tehee, president of the Commission could write in English or not? A No, I don't think he could.
Q How as to Alexander Wolfe, a member of the Commission?
A I don't think he could write either, I don't think either of them ever wrote except by touching the pen.
Q Were you, and are you familiar with the handwriting of D. W. C. Duncan, the Clerk of that Commission?
A Tolerably well, but it has been a long time since I saw any of it.
Q Will you look at the paper again and say whether you recognize his signature attached thereto?
A Yes, that is his signature to the best of my knowledge.
Q Do you preserve any personal recollection of the application before that Commission of F. H. Dawson and other members of the Dawson family, to be admitted as citizens of he Cherokee Nation by that Commission?
A I remember F. H. Dawson and his brother, that is about the only ones I remember.
Q The question was not as to the personal recollection of the individuals, but as to the claim being presented by the Dawsons for admission?
A Yes, there was such a claim before the Commission.
Q Can you state as to the citizenship of Thomas Tehee, whether he was a citizen of the Nation by blood or not?
A Yes, sir, he was always recognized as such, full blood besides.
Q What is your knowledge of Alexander Wolfe?
A About the same, he was also a full blood and recognized as a Cherokee.
Q Judge Thompson, if you possessed or had, or have now any knowledge of any corruption or bribery of the court or Commission, or any member of it by F. H. Dawson or any of the Dawson family or anybody connected with the presentation of their claim for citizenship, state it fully?
A None whatever as far as I was concerned, and I don't think there was by the balance of the Court.

CROSS-EXAMINATION BY W. T. HUTCHINGS.

Q Do you mean to say Mr. Thompson that your name attached to the certificate shown you is in your handwriting?
A Yes, sir.
Q Then Mr. Duncan certified that this is a transcript of the decision in the case, he is mistaken, that is the original?
A No, I don't know, that may be the original, if that is not the original I did not sign it, if it is the original I signed it.
Q You state that the witnesses were examined orally before the Court, don't you know that in almost every case [illegible]

affidavits of witnesses when those witnesses were not present?
A I think we ruled exparte evidence out, as well as I remember,
Q Did you have any stenographer or anybody to copy the evidence?
Mr. Duncan did all of the copying.
Q Was the evidence copied and preserved?
A Yes, sir, I think it was.
Q What was done with that evidence, where was any of it ever put?
A I suppose it is at Tahlequah in the office of the Treasurer or Secretary.
Q When you went into secret session did you have Mr. Duncan read that evidence to you?
A Yes, sir, we went over the evidence thoroughly.
Q Did you allow the applicants or their attorneys admission to any of your secret sessions?
No, sir.
Q When you got ready to render your decisions did you then send for the applicants or their attorneys?
A No, sir.
Q And you rendered them in secret also, did you? A Yes, sir.
Q Have you any recollection who testified in the Dawson case, as to their claim? A No, sir, I have not.
Q Have you any recollection as to who they claimed their Cherokee ancestors were? A Yes, sir, they claimed the Rogers.
Q Did they claim relationship with any of the present families of Rogers residing in the Cherokee Nation?

The applicant objects to this question as tending to elicit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.

A I don't know that they did, particularly.
Q How would your court determine when they claimed descent through some Rogers family, that that family was of Cherokee blood?

The applicant objects to the question upon the same grounds as their objection to the previous question.

A By the evidence they produced.
Q Didn't you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were citizens thereof? A Yes.
Q Who was the attorney for the Dawsons? A Old man Hounton Benge.
Q Could either Tehee or Wolfe speak English? A They could understand, but they never spoke English, they had an interpretor.
Q Did you ever talk to either of them as to whether they got anything for deciding this case? A No, sir.
Q How long were you considering the case altogether?
A I could not say as to that, I think we were on it two or three weeks anyhow. I could not say positively now, they were a long time getting in testimony.
Q There were only two or three witnesses examined all told, were there not?
A I think so, three I think, they had quite a lot of affidavits, but we did not consider them.
Q Well the Court was a good while arriving at its conclusion after the evidence was closed?
A Yes, quite a good while, I don't remember the exact time.

RE-DIRECT EXAMINATION:

Q Do you remember who the interpreter the Commission had during the hearing of the Dawson case.
A His name was Reese, I forget his given name.

Q Do you know whether he is living or dead?
A I don't know, he seemed to be in bad health at the time we had the case up, I think they are all dead but me and Mr. Duncan.
Q What was he, a Cherokee by blood?
A He was considered a Cherokee by blood.
Q Do you know where he lived at that time?
A No, sir, he lived in the South part of the Nation though, I think in Sequoyah.

(Signed) T. F. Thompson.

Copy of Ex. "A" to T. F. Thompson's testimony.

CERTIFICATE OF RECORD.

United States of America,
Indian Territory,
Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, her by certify that the instrument hereto attached was filed for record in my office the 9 day of March, A. D. 1893, at 10-30 o'clock A. M. and duly recorded in book C. Micl Record Mortg. & Liens, page 339,

Witness my hand and seal of said court at Muscogee, in said Territory this 16 day of March, A. D. 1893.

(SEAL) M. L. Bragdon,

Clerk.

Transcript to which this is attached, endorsed on back as follows:

"No. 108, Robt. Dawson et al, VS the Cheroke Nation, Transcript of Judgment, Filed Mar. 9, 1893 10-30 A. M. Marshall L. Bragdon, Clerk.,

OFFICE OF COMMISSION ON CITIZENSHIP,
TAHLEQUAH, CHEROKEE NATION, JANUARY 11th, 1883.

No. 108 Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, Rial Dawson,
VS,
The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1883, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship, that the claimants, Rob't Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, and Rial Dawson, are Cherokees by blood; and that they are entitled to all the rights and priviliges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they should be, and they are hereby

admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. W. C. Duncan,
Clerk of Commission.

Thomas Tehee, President of Com.
Alex Wolf,
T. F. Thompson, } Commissioners.

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears of the record in my office.

January 11th, 1883.

D. W. C. Duncan,
Clerk of Commission.

Executive Department,
Tahlequah, Cherokee Nation,

January 11th, 1883.

I hereby certify that the within named Commission on Citizenship, composed of Thomas Tehee, President, Alex Wolf and T. F. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and Commissioned Commission on Citizenship, and that their actions as such are legal and binding.

Witness my hand the

Witness my hand and the seal of the Cherokee Nation, on the date above written.

John L. Adair,
Asst. Ex. Secretary.

United States of America,
Indian Territory,
Northern District,

I, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. F. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. F. Thompson, L. T. M. - N. P. Oct. 4, 1900. The foregoing copy having been carefully compared by me with the said original.

Given under my hand and seal of office as such Notary Public, this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.

My commission expires Feb 3rd. 1902.,

D. W. C. Duncan being produced by the applicants after being sworn to testify to the truth, the whole truth and nothing but the truth testified as follows:

DIRECT EXAMINATION BY C. B. DENISON:

Q Please state your name, age, residence and occupation?
A My name is D. W. C. Duncan, my age is 70 years, my residence is Vinita, Indian Territory, my occupation is a farmer.
Q How long has that been your place of residence? A Since 1874.
Q Are you a member of the Cherokee Nation as it is now constituted?
A Yes, sir.
Q Upon what is your citizenship based, a Cherokee by blood?
A Yes, a Cherokee by blood.
Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?
A About that time I held the position of Clerk of the Citizenship Court or Commission.
Q If you remember the names of themembers of that Commission or Court, please give them?
A The President of the Commission was Tehee I believe, and a member by the name of Wolfe whose first name I do not recollect, and Mr. Thompson here.
Q T. F. Thompson?
A Yes.
Q Do you know whether those three members of that Commission were recognised citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?
A They were supposed to be citizens of the Cherokee Nation and their citizenship was based upon their blood.
Q Will you please look at the paper now handed you which the Notary has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will attach to Mr. Thompson's depositions, and state whether with the exception of the certificate of M. L. Bragdon, Clerk, and of John L. Adair Asst. Ex. Secretary, you recognize the paper as one you have ever seen before?
A Yes, I think I have seen this before.
Q When, and where, if you remember, did you first see that paper?
A This is a paper I drew up at the time I was acting as clerk of the said Citizenship Court.
Q Looking at its date, was it drawn at you at the time it bears date?
A To the best of my recollection it was drawn at the date specified.
Q Do you recognize the signature to the certificate attached to that paper?
A Yes, that is my signature.
Q State if you know, in whose handwriting the body of the paper is?
A It is in my handwriting.
Q And at that time you were Clerk of that Commission? A Yes.
Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and state if you can, by whom they were written?
A I think the first two is my handwriting, the last I recognize that as T. F. Thompson's.
Q Explain please, how you came to write the signatures of Thomas Tehee and Alex Wolfe to that paper?
A Thomas Tehee and Alex Wolfe were full blods and could not write, and in their presence, and at their request I wrote their signatures.

Q Was that the usual manner of certifying to the action of the Commission to applicants as to the decision of their application for citizenship, where admitted?
A In all instances where it was necessary for the Court to sign a paper of any kind it was adopted by that Court for the Clerk to sign Teheo's and Wolf's names and T. F. Thompson to sign his own name.
Q You didn't catch exactly my idea, but perhaps that answered it, what I intended to call you attention to, was whether when applicants had been admitted to citizenship a paper of this kind now shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?
A My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was entered upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.
Q If you had any knowledge at the time the application of the Dawson family, F. M. and others whose names are mentioned in that paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. M. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?
A I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind in what has originated recently, since the enrollment business has been inaugurated.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q If as you certify, this paper was a transcript of the record, why did you have the judges sign it?
A I know no reason further than that was the practice at that time, the members of the Court being present I presume it was thought it would be as good or better than the signature of the Clerk.
Q Examine that signature of Mr. Thompson, examine the first T in his name and the T in Teheo's name and see if it is not all your own handwriting?
A No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accident.
Q How was the evidence taken in those cases?
A It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q Do you know whether that evidence is in existance or not?
A I do not, the last I saw of it was when I turned the records over to the Executive office at Tahlequah, and I have not seen it since.
Q You say you never heard any talk about this being an improper case until very recently?
A Well, that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can safely say that did not.

Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross-examination.

A They claimed their right of citizenship through a man by the name of Rogers, I don't recol ect his first name.
Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?
A I do.

(Signed) D. W. C. Duncan.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do certify that the foregoing depositions of T. F. Thompson and D. W. C. Duncan were taken before me at the time and place and in the action mentioned in the caption, and said T. F. Thompson and D. W. C. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence; the claimants being present in person and by their attorney C. B. Denison, and the Cherokee Nation being represented by W. T. Hutchings Esquire its attorney,.

Given under my hand this 4th day of October, A. D. 1900.
(SEAL)
(Signed) Lewis T. Martin.

Notary Public.
My commission expires 2/3/1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1902.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation,. He being sworn and examined by the Commission, testified as follows:

Q What is your name? A Francis Marion Dawson.
Q How old are you? A Soon will be sixth years old.
Q What is your postoffice address? A Afton now, it used to be Oseuma.
Q What was the name of your wife? A My first wife was Julia Ann Howard.
Q She was a white woman? A Yes, sir.
Q When were you married to her? A I think it was the 8th of January, 1864.
Q Where were you living at that time? A In Arkansas.
Q Who married you? A A man by the name of Dave Sturdy.
Q Was he a preacher? A Yes, sir.
Q A Minister of the Gospel? A Yes, sir.
Q Did you and she live together as husband and wife up to the time of her death? A Yes, sir.
Q Did you have any children by her? A Yes, sir.
Q What are their names? A William R. Dawson.
Q The next one? A Francis Marion Dawson Jr.
Q The next one? A Johnnie.
Q The next child? A Elizabeth.
Q The next one? A Arizona Allred.
Q Those are all the children you had by your first wife? A Yes, sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Joseph R. Dawson.
Q How old are you? A I will be 51 the 13th day of June.
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes, sir.
Q How are you related to him? A Brother.
Q Did you know his former wife, Julia? A Yes, sir.
Q Is she living or dead? A She is dead.
Q Was she a Cherokee or white woman? A I couldn't say what; She they married in the states.
Q Do you know when he was married to her? A Yes, sir.
Q When was it? A About the close of the war.
Q Who married them? A Parson Sturdy.
Q Were you present when they were married? A Yes, sir.
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes, sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:
Q What is your name? A John K. Stevens.
Q How old are you? A 56 years old.
Q What is your postoffice address? A Afton.
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes, sir, as we call him, Bud Dawson.
Q How long have you known him? A My first acquaintance with him was in '61.
Q Did you know his first wife, Julia? A Yes, sir.

Q Do you know whether or not they were married? A Yes, sir, they were married.
Q Were you present at the marriage? A No, I wasn't present at the marriage.
Q Did you see them soon after their marriage? A Yes, sir.
Q Did you continue to know them for any length of time afterwards? I knowed them as long as she lived.
Q During the time you knew them did they live together as husband and wife? A Yes, sir.
Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following Cherokee cases:
Arizona Allred et al D-535, John Dawson, D-580, William R. Dawson D-581, Lizzie Dawson D-584 and Francis M. Dawson Jr. D-588.

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I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) E. C. Rothenberger.

Supl.-C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 17, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS M. DAWSON, ET AL., as citizens of the Cherokee Nation:

The case having been set for final hearing March 17, 1902, the following proceedings are had:

APPEARANCES:
Mr. A. S. McKennon, of counsel for applicants;
Mr. W. T. Hutchings, of counsel for Cherokee Nation.

Mr. Hutchings: Comes now the Nation on the calling of this case and announces that it is ready for trial, provided permission is given to hereafter examine before the Commission, either at this place or Fort Gibson, the witness S. H. Benge, who has been regularly summoned to attend at this day and time but who is too sick to travel at this time and probably will be for some time to come. As evidence of a good faith of the Nation we hereby present an affidavit of the facts sought to be proven by the said Benge. If the applicant's counsel are willing to concede that the witness if present would testify to the facts herein set forth, the Nation is ready to proceed to trial without reservation of any kind. If they are not it desires to reserve this privilege of hereafter, either tomorrow or otherwise, this case being set for to-day and tomorrow, of examining before the Commission, or its authorized officer, this witness as above set forth.

Mr. McKennon: Applicants object to the introduction of the paper presented and do not admit that the witness, Samuel H. Benge if present would testify to the facts therein stated. They consent and desire that the testimony of said Benge be taken before the Commission at its office in Muskogee but not elsewhere, and protest against it being taken at any other place, with the understanding, however, that when taken we have opportunity to introduce any evidence we may desire in rebuttal.

Mr. Hutchings:
The Nation will pay all the expenses of the opposing Counsel, their client and Commission officers in taking the deposition at Fort Gibson.

Commissioner Breckinridge: The allegations of this witness are material in their character and are quite tangent. The Commission of its own volition would acquire information of that character if it knew of its existance anywhere. While the functions of the Commission, as well known are in many respects judicial, yet it is bodied with somewhat complex powers, such as Congress creates from time to time to do business of certain character, and it is ordered to make a correct roll, which is a duty largely independent of hearing simply what is brought before them; it must be the architect and constructor of that roll and if evidence is not brought before before the Commission it must go out and get it, to be uniform on that construction of the law. The Commission, therefore, desires this information independent of any counsel on either side both with respect to the applicant and to the Nation, and if this witness is

is not able to come one of the Commissioners will go to Fort Gibson and to his bed-side, or send a proper official, if necessary to take his testimony. The only matter to consider, therefore, is one of convenience with respect to getting this testimony. Now, I understand that this witness is an extreme sufferer from Bright's Disease he is an old man and he may never be able to get out of the house, and it may be an injustice to him to subject him to a trip here, and therefore it seems to me better that counsel for plaintiff submit to a form of taking a deposition or else accompany an official of this Commission over to Fort Gibson and let his testimony be taken there.

After consultation with the attorneys upon the two sides it is found to be agreeable that the parties start to Fort Gibson to-morrow morning at half past eight o'clock, and it is agreed then and directed with an official of the Commission with a stenographer leave from the office of the Commission for Fort Gibson at 8:30 to-morrow morning.

FRANCIS M. DAWSON, the applicant, re-called for additional cross-examination on part of the Cherokee Nation:

MR. HUTCHINGS:

Q What is your name? A Francis M. Dawson.
Q Where do you reside? A In Afton.
Q You have been examined in this case heretofore, have you?
A I don't know which case it is.
Q In your own case? A Yes, sir.
Q Are you the one that is commonly called Bud Dawson? A Yes, sir.
Q You made the original application in the Dawson family for admission to citizenship in the Cherokee Nation, didn't you? No, sir; my brother.
Q What was his name? A A. E. Dawson.
Q You and Robert Dawson and Elbert Dawson and others applied September 24, '81, about that time? A Yes, sir.
Q And you were admitted about the 11th of January '83? A Yes, sir.
Q There were other members of your family that applied and were admitted after that time? A Yes, sir.
Q Do you or not remember the evidence offered in their to substantiate their cases was the relationship between yourself and Robert and others and the evidence of your admission by the Tehlequah Court. In all the subsequent admissions I mean the only evidence offered was the fact that you and your brothers had been admitted before and that they were kin to you; that was the only evidence offered in any subsequent cases, wasn't it; so far as you know?
A That is afterwards?
Q Yes, afterwards? A I think there was some other evidence introduced.
Q Don't you know that there was never any evidence offered in any other case except evidence of Dr. Baker of Arkansas City, sir.
Q Who else? A Oliver Miller.
Q Who was Oliver Miller; the people in this city [illegible] approved and mutilated? A Oliver Miller [illegible].
Q What was he, who was he? A He is a [illegible].
Q Well, what station in life did he occupy, [illegible]?
A Yes, sir, farmer.
Q Were you present when he testified? A Yes, sir.
Q Were you present when Dr. Baker testified? A Yes, sir.

Q Have you a fair recollection of the testimony of those two men?
A No, not at all.
Q You don't read do you, Mr. Dawson? A No, sir, I don't read nor write; I can barely write my name.
Q Do you think you would remember the testimony of Dr. Baker if your mind was refreshed on it? A Part of it I think.
Q Were you present when you were admitted? A I was not in the room.
Q You were in Tahlequah at the time? A I was in the town of Tahlequah at the time.
Q I will read this paer to you and desire for you ro say whether or not it was the testimony of Dr. Baker in your case:
(Affidavit of Dr. Arthur Baker read to witness, and asked to be copied in the record later.)
Q Is that the correct transcript of the testimony? A It has been so long ago, I could not say; a part of it is, I could not remember it all.
Q Does that state the facts as to the family history correctly so far as you know about it? A So far as I know.
Q Now, you were a son of what Dawson? A Robert Dawson.
Q How many children did Robert Dawson have, and give me their names?
A Elbert Dawson, the oldest; Lila, Jesper, Francis Marion-
Q That is yourself? A Yes, sir; Elizabeth Dawson, Josephine Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson, Edna Dawson, Mollie Dawson, Wilburn Dawson.
Q Thirteen? (No response.)
Q Now, Rober Dawson's father was whom? A Sam Dawson.
Q Who was Sam Dawson's wife, your grandmother? A I have been told.
Q By family history is all you know? A She was called Polly Dawson.
Q Who was Anna Pruitt? A I don't know,
Q Never heard of anybody in the family by the name of Anna Pruitt? A No, sir, that was away back in the old country; I have heard talk about it, old Dr. Baker talked about it.
Q Your grand-mother's name was Polly Dawson? A Yes, sir; I don't remember seeing her but once, she died when I was small, died in Texas.
Q Pollie Dawson? A Yes, sir.
Q Ans she was known to be Pollie Rogers, her maiden name? A Yes, sir.
Q Daughter of Captain John Rogers? A Yes, sir.
Q Now, she died in Texas what time? A I don't remember.
Q Can't you guess at it? A Oh, I could guess.
Q Give your best recollection? A About '58 or '59, or no, '46 or '49; I don't say positive, just guessing at it.
Q How old a boy were you then? A I was born in '42.
Q Have you any distinct recollection of her? A No, sir.
Q Have you any recollection of all the children of Sam and Pollie Dawson; that is, your father, uncles and Aunts? I didn't see all of them.
Q Do you know by family history the names of all of them? A Yes, sir.
Q Will you give them to me?
A Betsy Ann Dawson, I believe her name was.
Q Did she marry a Petty? A Yes, sir; the next is Robert Dawson.
Q Your father? A Yes, sir.
Q Next one? A I think the next was James Dawson, and I think the next one was a girl, Edna Dawson.
Q Did he have two daughters? A Yes, sir.
Q Well sir? A The next one was Joe Dawson; I never saw him; Lila Dawson.

Q That is Samuel P. Dawson, Riley Dawson? A Yes, sir.
Q Any other one? A That is all I know anything about.
Q Did he have any child by the name of John? A Yes, Jack.
Q Didn't you get Jack misplaced with Joe? A No, it was Joe; I have heard my father speak of him.
Q Then they have seven children? A I never see them all.
Q How many of them did you ever see? A I seed uncle Riley Dawson and James Dawson and Jack Dawson and Betsy Ann Petty; I don't think I saw but one of Pa's sisters and brother, they went to Mississippi I think.
Q Do you know what your family history says that the mother of your grandmother, Pollie Rogers' name was? A We have no history.
Q Well, as it was brought down to you; did you ever hear anybody say what your great grandmother's name was? A No, I don't remember.
Q What is that other man, Oliver Millerthat testified in your case? A He testified in James Dawson's case; he never testified in my father's case.
Q Well, didn't anybody testify in your case but Dr. Baker?
A Yes, sir, several other witnesses.
Q Who were they? A I don't remember; my mother got them witnesses around Tahlequah, old people.
Q Were you present? A No, sir.
Q You were only present when Dr. Baker testified? A Yes, sir.
Q Now, do you find any mistakes in Dr. Baker's statement there? A I could not say all of ther was correct or not, part of it is correct.
Q What part is correct? A My about knowing the family over there.
Q Who is Buck Dawson? A My brother.
Q What is his name? A We always called him Buck, it is Elbert, E. Dawson.
Q Who went with you the first time you went up to make application for citizenship do you remember? A With my brother.
Q The first time? A I met my brother in Texas.
Q Which one? A E. Dawson.
Q That is Elbert or Buck? A Yes, sir.
Q You were living in Arkansas? A Yes, sir.
Q And he was living in Texas? A Yes, sir, and another one of little brothers, Dr. Dawson now:
Q Dr. Dawson now? A Yes, sir.
Q What is his name? A James.
Q And you three went there? A Yes, sir.

Mr. McKennon: Applicants by their counsel object to all the statement of the witness relating to the testimony introduced before the Cherokee Citizenship Commission, and the history of the family as detailed by him, because the same is incompetent and irrelevant, and cannot be used for the purpose of impeaching the integrity of the judgment of said Commission, or either of the Commissioners in admitting members of the Dawson family.

Commission: The objection of the Attorney for the applicants to the testimony above will be noted. The same will be filed and noted for what it is worth.

(Attorney for applicants waives examination.)

C. H. TAYLOR, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A C. H. Taylor.
Q Where do you reside, Mr. Taylor? A Up near Jeffersville.
Q Were you an attorney before various citizenship Courts along in '91 to '8- in the Cherokee Nation at Tahlequah? A Yes, sir.
Q Were you attorney for F. K. Dawson commonly known as Bud Dawson? A Yes, sir.
Q Were you present at the taking of testimony in that case? A No, sir; I wasn't present.
Q Do you know who composed the court that decided the case at that time? A Yes, sir.
Q Who were they? A Tom Tehee and Alex Wolfe and Tommy Thompson.
Q Do you know whether or not they were all there when the case was decided? A No, sir, there were only two of them present.
Q Which two? A Tehee and Wolfe.
Q Who was the Clerk of the Court at that time? A Mr. Duncan, D. W. C. Duncan.
Q Do you know what witnesses were used in the case of Bud Dawson? A No, sir; now I was the attorney in the case and the evidence had already been filed before the Court.
Q When were you made attorney? A I was only called in as an attorney at the— Well, Mr. Duncan came down there, and Mr. Bryant had the case and several other attorneys had the case and he employed me.
Q Did you read the evidence in this case? A No, sir.
Q Did you deliver any money? A Now, I was the attorney in the case and I don't think it would be right for me to make any statement.
Q Now, you have claimed your privilege, I ask that you answer the question? Did Dawson ever hand you any money with the direction to pay it to either member of the Court or the Clerk of the Court, D. W. C. Duncan, and if so state the amount? A I had a heap of trouble over this matter.-

Commission: Just answer the question, Mr. Taylor.

A Being the attorney I don't believe it is right for me to answer that question.

Commission: Do you refuse to answer? A Yes, sir.

Q Did the matter to which you object to testifying occur prior to the rendition of the decision admitting to citizenship or afterwards? (No response)

COMMISSIONER BRECKINRIDGE:

Q Do you desire to reply to the last question? A I don't think it is right; I was attorney in the case.
Q Mr. Taylor, do you object to answering that question? A Yes, sir.
Q You refuse to answer that question, do you? A I had rather not answer it.

Q Either answer it or say you won't answer it? A I had rather not answer it.
Q Mr. Taylor, you have answered a number of questions down to this point, but it is at this point that you prefer to claim your privileges, as an attorney, do you? A Yes, sir.

Com'r Breckinridge: The power in regard to these matters is lodged in the United States. The Court is clothed with special power with reference to matters which arise through this Commission. Of course the Commission desires and the Government needs for the making of a correct roll the fullest information possible, but it is subject to the limitation of law, and it is not for this Commission to decide of the law in any case of this character with any authority as I understand it at this time, and to report the matter to the United States Court for their decision and judgment.

Under Section 21 of the Curtis law as it is commonly called Act of June 281898, the members of the Commission shall in performing all duties required of them by law, have authority to administer oaths, examine witnesses and send for papers and persons, and the court is clothed with authority to enforce obedience. The law having enumerated certain powers goes on to say so far as all others are concerned to enable said Commission to make rolls as therein required, and to punish anyone who may in any manner or by any means obstruct said work. Now, the Commission will report the facts to the United States Court and let the Court decide whether or not you are within your lawful privilege. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what what is commonly considered a matter of privilege--according to an authority referred to by an attorney, but the enforcement of an answer seems clearly to be a matter for the Court to deal with.

Q Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct that you make answer, and if you refuse I shall report the matter to the United States Court; do you refuse? A Yes, sir.
Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer; viz; as to whether Mr. Dawson sent you money to pay to the Court or to any officials of the Court, it seems to come to the question as to whether there was any collusion between you and Mr. Dawson and any member of the Court; now, I understand that you refuse to answer that question upon the grounds that you were Mr. Dawson's attorney? A Yes, sir.
Q Now, I require that you answer that question, do you refuse?
A Yes, sir.
Q I shall also report that refusal to the United States Court as it seems to come under the provision of law, relating to conspiracy between you and Mr. Dawson which apparently considered a privilege matter, and you base your refusal now, not upon the ground that you are incriminating yourself, but that you were counsel for Mr. Dawson. I will report the matter to the Court and you will be informed at the time of any proceedings in the matter I caution you not to talk with Mr. Dawson or any of the applicants in this case.

Mr. McKennon: Applicants do not object and have not objected to the witness answering on account of his privilege as an attorney or for any other cause whatever, they only want to object to the incompetence and irrelevancy of the testimony, with the privilege of cross-examining upon any testimony given by the witness.

COMM'R BRECKINRIDGE:
Q You still refuse having the consent of the attorneys in the case to make answer? A I will just ask your Honor to let the matter go over until morning.

Commissioner Breckinridge: It will rest until in the morning at its present status; it is under bonds now.

As for the objection made by Captain McKennon, Counsel for the applicant, it will be taken into consideration, but will not be granted at the present.

(The Commission adjourns until 1:30 P. M. to-mor or afternoon, March 18, 1901.)

Supl.-C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., March 10, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS H. DAWSON ET AL., as citizens of the Cherokee Nation:

Appearances:
Mr. A. S. McKennon, of Counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

SAMUEL H. BENGE, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Samuel H. Benge.
Q Where do you reside? A Fort Gibson.
Q How old are you? A I am 70 years old, going in 71.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; Cherokee by blood.
Q State what official position you have held in the Cherokee Nation and what your general connection with the Nation officially in the last 40 years? A Well, I had several; I have been Sheriff, Councilman, Senator, Delegate to Washington; had a hand in making the treaty of 1866, I am the only one living that signed that treaty; President of the National Council of different tribes of Indians.
Q Were you acquainted with F. H. Dawson, commonly called Bud Dawson? A Yes, sir; I knew him.
Q State you connection with and what you know about his citizenship case before what is known as the Thomas Tehee Citizenship Court? A Mr. Dawson come down, I was living down below here, he come and employed me to tend to his case and we went to Tahlequah, I believe if I ain't mistaken in 1881 and filed his case there; we went several times and continued his case on for the want of evidence, and finally while we was up there we run across one old darkey by the name of Tosh Rogers; we got his testimony and after we got that testimony we concluded that it was sufficient to go into the trial with. Tosh lived here at Fort Gibson, he was a horse trainor down here and stayed here; he claimed that he knew the Rogers and belonged to one of them and after that we thought we had sufficient evidence we submitted our case to the Court for trial, and the Court went to work and rendered a decision against Mr. Dawson.
I told Mr. Dawson right there that "our case is dough", just made that remark, and he just made the remark "never mind", and next morning they taken up his case again and they rendered a decision in his favor. I filed no motion nor any evidence at all whatever; I give the case up right there and the decision was then given in his favor, and on our way back from Tahlequah, why we got to talking about the case and I told him: "it was a pretty hard blow when they rendered that decision against us." He said: "yes, but Duncan was the man to reach", but he reached him with five hundred dollars.
Q What position did Duncan occupy? A He was Clerk of this Court.
Q Duncan an educated man or-? Yes, sir; he was an educated man.
Q Who were the members of the Court? A Tom Tehee, Alex Wolfe and Tom Thompson.
Q How many of those could speak English at all? A One.
Q Which one? A Thompson.
Q Who was the Attorney that represented the Nation in those cases? A Ned Sanders.

Q He came alone here as a Notary Public? A He came alone here as a Notary Public. All he said when he come, he says "we understand that you know something in regard to these cases", I said " what case," and he went to work and named Shoemake case and Dawson case.
Q And thereupon you made this tatement? A He said he wanted to qualify me.
Q Are you certain Judge that after the rendition of that judgment Mr. Dawson came back here to Fort Gibson with you?
A Yes, sir; we was together.
Q Let me ask you if it was not a very cold day when he came here and he went over ahead of you and you went over to Tahlequah the next day or two after he left? A My recollection was he and I went together.
Q And returned here together? A Yes, sir.
Q Did he not leave you there and go back direct to Arkansas?
A No, sir, we care here together. If my memory serves me right, I might be mistaken but then I don't believe I am, he came from Webbers Falls up here to my house, that is according to his statement.
Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.
Q How didthey pay you? A Paid me the money.
Q Who paid it to you? A Dawson there and that fellow, young fellow paid me some.
Q Mr. Grahar? A Yes.
Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.
Q I will ask you if Mr. F. M. Dawson h re did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you $50 that they paid you? A No, if I ever got a let er of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over i Arkansas, but not living down in Texas, I don't know about it.
Q Where did he pay you this money? A Paid it here at home.
Q Before you went out? A He paid me fifty dollars before we went up and when we went up yonder he paid me fifty dollars more; if you want to know what I got, I got one hundredn dollars.
Q You were acting as his attorney in the case? A Yes, sir.
Q How many judges were there present when the judgment was rendered?
A In his case?
Q Yes, sir. A Well, according to my recollect there was all there, but if they were not all there, Tom Thompson was sick. Teher and Wolfe.
Q Don't you remember that they were all present? A No, I think they were present though.
Q Who else was present at the ime? A Oh, I could not tell you, there were several people in the house; could not tell you at all.
Q Were there several in the house the evening before the judgment was rendered against them as you say? A Yes, there were several in the house.
Q And several in the house when the judgment was rendered the next day? A I don't know how many there was.
Q Do you remember the names of any of them? A Why not exactly, mostly full bloods.
Q How long didyou remain out at Tahlequah on that trip?
A I guess I was there about three days.

Q Tending to this case alone, or did you have other cases? A no, sir.
Q Do you know of your own knowledge that the judges received any money (this question asked at the instance of Mr. Graham present) A I don't know whether the judges received nay or not.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

March 18, 1902. Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. H. TAYLOR takes the stand and continues his testimony.
BY MR. HUTCHINGS:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today; have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held as in contempt of the Court.
Q You would be held in contempt and the other Court would make you answer? A That being he case of course I would make a statement.
Q Are you acquainted with D. W. C. Duncan, the Clerk of what is known as the Tehee Citizenship Commission Court? A Yes, sir.
Q Did you ever have any conversation with him about letting him know of the different character of cases that would come up before the Court that you knew of, whether they were good ones or bad ones? A No, the only thi g that ever come up in that respect; he asked me if whatever large cases that would come up before the Court to let him know.
Q Did you have any talk with him about the Dawson case during the progress of its trial or before and ever introduced Mr. F. M. Dawson to him, or carry him to him? A I spoke to him when Mr. Dawson came to Tahlequah to see about his case, and he said that he would take the papers over to his room, the Dawson papers.
Q Did you see him again that night? A Yes, sir; after supper I went down to his room.
Q Did he ask you about the Dawsons or Dawson case? A He asked me where Dawson was.
Q Which Dawson are you referring to now, F. M. Dawson, [illegible] Bud Dawson? A Bud Dawson.
Q Well, what didyou reply to him? A I told him that I thought he had gone to church.
Q Did you find Dawson after church? A Yes, sir, he told [illegible] and bring Dawson down and I did so; Dawson was in church.
Q You carried Dawson to him? A Yes, sir.

Q Did you remain during the conversation? A Only a minute.
Q What was said if anything while you were present? A Mr. Duncan spoke to Mr. Dawson and says "there is a hitch in your evidence."
Q Go ahead and state what else he said? A He said "if that was straightened out it would be all right," and I turned and went away, I says, "gentlemen, I will go home."
Q Did you know of their having any other conversation or communication after that? A No, sir.
Q You left them there together yourself? A Yes, sir.
Q Did Mr. Dawson give you any directions the next morning about submitting the case? A Yes, sir, he asked me to call it up the case.
Q The next morning? A Yes, sir.
Q Had there been any additional evidence offered? A No, sir; there was not additional testimony offered.
Q He told you the next morning to call up the case? A Yes, sir.
Q Was it called up and submitted the next morning? A Yes, sir.
Q Now, how many of the members of the Court were there present that morning? A There were only two, two full-blood Indians.
Q Could they speak english at all? A Tehee could talk a little, talk some.
Q Did that Court have open sessions all the time or what is called executive sessions sometimes? A Well, I don't remember about that; it was generally when the case was submitted the attorneys would go out. The parties would go out and they would determine the case.
Q Well, did they go out into that sort of executive session the next morning on the Dawson case? A Well, we went out when the case was submitted.
Q And was the decision rendered that morning in their favor?
A Yes, sir.
Q Who notified you of the decision of the Court? A Why, Mr. Dawson.
Q Do you remember whether he went out with you or was in there during the consideration of the case? A I think he went out with me.
Q Did you at any time thereafter receive any money, checks or other evidence money from Mr. Dawson with direction to turn it in part over to D. W. C. Duncan, the Clerk of that Court? A Mr. Dawson gave me 20 dollars and said he would send the balance in a short time, said he would send some more money in a short time.
Q Well, did he send any money afterwards? A Yes, sir, in the course of ten days or two weeks he send a hundred dollar check, draft.
Q What did he direct you to do with it? A He directed me to give D. W. C. Duncan half of it.
Q Did you give him half of it? A Yes, sir.
Q Did he send you any at any other time after that? A Well, in the course of a couple of weeks he sent me a hundred dollars more.
Q Did he direct you to turn any of that and if so how much, to D. W. C. Duncan? A He told me to give him half of it,
Q Did you give him half of it? A I did, sir.
Q Do you remember whether or Dr. Arthur Baker was the principal witness in behalf of the Dawson case? A No, sir, I don't because I never had any connection with the case, but I heard that he was a witness in the case.
Q No argument was made when you submitted the case? A No, sir.
Q Just submitted it on the testimony? A Yes, sir.

MR. McKENNON:

Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q [illegible] born and reared in the Cherokee Nation? A No, sir; I [illegible] Nation.

Q When did you come to the Cherokee Nation? A Come here in 13[illegible].
Q How long have you been practicing law in the Cherokee Nation?
A I think since '68.
Q You have done a great deal of citizenship business haven't you?
A Yes, sir.
Q You were in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.
Q Were you convicted there? A Yes, sir; I was convicted there on this very case.
Q And served a term of what length? A I was sent to the jail hospital for sixty days and I stayed in about 38 or 39 days, and I was released.
Q When was that? A I don't remember how long ago it has been.
Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention; Clem Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.
Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the mail for fraudulent purposes.
Q Sending out propositions and obtaining case for citizenship for people [illegible] Cherokee Nation? A No, sir, it was for answering correspon[illegible].
Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went before the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.
Q Well, now, was the charge based upon that or was it based upon your letters you sent out to other people? A That was the charge for using the mail for fraudulent purposes.
Q The use of the mails for fraudulent purposes not in connection of this case was it? A Not particular of this case.
Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is what you mean to say? A Yes, sir.
Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.
Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.
Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.
Q Yet when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occured between you and your client, Bud Dawson, in relation to this matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.
Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he questioned me and I come down here and I didn't want to make a statement to him but he insisted.
Q He had no power to compel you to make a statement? A No, sir.
Q You could then make it very freely and your conscience did not hurt you, but when you came on the stand you were very conscientious about it? A I didn't want to make a statement at all unless I would be put in jail here if I didn't.
Q But you had armed them with information by which they could put you these questions when you came on the stand? A I had told Mr. Hastings.

Q You knew when you gave him that information that you would be brought on the stand as a witness, did you not, by reason of that?
A No, I didn't know that I would be compelled to make a statement in the matter, a sworn statement.
Q You thought you would not be compelled to answer?
A I didn't think the law would compel me to make a statement.
Q Why then did you make a statement to him about it? A Oh, he was asking me about it, and I told him that I didn't want to make a statement, and I didn't for quite a while after I came down here.
Q When the enrollment division of the Dawes Commission was in Tahlequah, in the winter of 1900, did you not there meet F. M. Dawson and did you not then and there say to him "I told Shoemake I would be for him if he would employ me in his case and if he didn't I would be against him, and the same to you?" A No, sir; I said to him this; I says that if there is not something done that I will likely be summoned against you and Mr. Shoemake both.
Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it. I was going out of town just as he came in.
Q When you told him if something was not done you would be summoned as a witness against him; what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.
Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?
A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your client to you in one instance, but if a little more money was put up you could not be required to make a statement; is that what you mean? A I didn't think I could be forced to make a statement at all in the matter.
Q Why did you make that expression to him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I meant if I was employed in the case.
Q If he would put up you would not testify? A That they could not force me to testify.
Q About the month of February, 1901, in the town of Wagoner, Indian Territory, did you not send your son to get Graham to come to the hotel at night, and did you not then and there say to Gid Graham; "You people are on the doubtful list and if you will give me $500. I will make it all right and see that you are enrolled and if you don't I will see that you don't get on"? A No, sir; I got a letter from Gid Graham in which he asked me to certify that the case was all right and after I met him I told him that I could not do it, that the case was crooked, he then said to me, he says, "I will give you a hundred dollars", he says "will you take a hundred dollars," I said "no, sir." I didn't make any bid, that is I didn't set no price with him.
Q You did not say to him then what I have embraced in that question there? A No, sir.
Q You did have a conversation with him about that time and at that place, did you not? A Yes, sir.
Q You say you didn't make any bid or set any price? A No, sir; he offered me a hundred dollars.
Q Why did you send for him to come to the hotel? A In answer to his letter.

A Did you not [illegible] yesterday morning on the street in Muskogee, Indian Territory, in a conversation with W. H. Shoemake say to him; "You have made a great mistake in not keeping in your employment and so have the Dawsons and it will go hard with you and you will see it"? No, sir; I says to Mr. Shoemake, I says: "Who have you employed in your case," and he says "Judge Thomas and Mr. Owen," I said "It might have been a advantage to you if you had retained me in your matter;" Well, he says "there was nothing wrong in my case" and I says "no, there is nothing wrong on earth in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I says "there is not a thing on earth wrong in your case as I know it came up fairly and squarely and decided in your favor."

Q You said nothing to him about the Dawson case? A Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am summoned on the part of the Nation and I don't want to make a statement and I wont if I can possible avoid it."

Q Was that before or after you talked with Mr. Hastings, the representative of the Nation? A It was afterwards.

Q You meant by that if you had refused to answer you would have gone to jail? A No, sir; if they had employed me before hand I meant not now.

Q You mean that if they had employed you before hand you would not have given this information to Mr. Hastings? A I would not be required, being the attorney.

Q Were you required to give him the information; did you know that you had to give him any information? A Who do you mean.

Q Mr. Hastings. A I did refuse him and he insisted.

Q Well, he no authority to compel you to do it? A No, sir; I don't know whether he did or not.

Q As a lawyer you knew that he did not have authority to compel you to make a statement to him? A I told him that I was an attorney in the case and I didn't want to make any statement at all.

Q Why did you do it? A Well, he intimated to me it would go any further. He said to me "I will not make this matter — I will not use it;" that is, what I stated to him was part in confidence.

Q And he pledged you his word that it would not be used? A Well, told him I could make a statement in confidence, and that I didn't want to make a statement before the Court.

Q Well, what did he reply, as you said just now? A Oh, he says make the statement and then I told him—I regretted very much to do it, and I regret very much to make a statement here. I tried to avoid it yesterday.

Q You stated just now that he said it would not be used; did he say that or not? A Well, something to that amount; oh, he says it won't make any difference or something to that effect.

Q You, don't you know that Mr. Hastings did not intimate to you that the statement he was asking you to make would not be used? A Well, I didn't think that I could be forced to make a qualified statement before the Court here, because I thought my license would protect me in that matter.

Q Yet it did not protect you or prevent you from making a statement to the attorneys for the Nation? A No, sir.

Q Now, in this conversation with Shoemake to which I before referred did you not ask him to again employ you and tell him if he would you would make it all right for him? A No, sir; I didn't say that; no, I said if he had employed me in the matter "maybe it would been better for you." Now, he offered me when I was over there last week, he offered me five dollars to go down and talk with the lawyers on the matter, I didn't go I was busy.

Q That was not your price? A No, No, I had nothing to say in his case that would be to his advantage; I knew nothing against him.
Q Now, then, you say that your were present on the morning that the judgment was rendered in favor of the Dawsons? A I was not in the Court house.
Q You were present in Tahlequah? A Yes, sir.
Q How long had you been at Tahlequah? A I was living there at that time.
Q When were you first employed by them? A By Dawsons?
Q Yes, sir. A The evening before the case was tried.
Q You say that after the judgment was rendered Dawson handed you $20? A Yes, sir.
Q And told you to hand to Duncan? A No, sir.
Q What was your statement? A That he paid me $20 and says "I will send you some more in a short time, week or so.
Q And then he sent you $100? A Yes, sir.
Q And wrote you to give D. W. C. Duncan $50 of it? A Yes, sir.
Q And then sent you another $100 and told you to give him half of it? A Yes, sir.
Q How much did they pay you? A Well, that was the agreement, was that he would pay me $50 a family.
Q How much did he pay you? A I think there was $250; now I am not sure about the $50, but it appears to me like there was a $50 sent, and Mr. Duncan asked me, as well as I remember, says "have you got a letter from Dawson," I told him "yes, sir." It was either that or the $100, and he says "I would like to have some money", and I went to Stapler's and got it changed— I won't be sure about it being $50 or $100—I went to Stapler's and got him to cash the check and give him his part of it.
Q How much did he pay you for your services? A That is all I got.
Q How much? A I think it was $100, $120.
Q What did you do for them? A Didn't do a thing only settled up the case and submitted it; never read the evidence.
Q Submitted it without remarks? A Yes, sir.
Q And for that you say they paid you $120? A Yes, sir; $120.
Q Was Houston Benge present when that was done? A No, sir; I don't think he was.
Q Did you see him then at that time in Tahlequah? A I don't remember.
Q Were you associated with him in any manner in connection with the case? A No, sir.
Q You had a great deal of business of that character, have you before the Courts? A Yes, sir.
Q Were you paid like fees in other cases for like services?
A Yes, sir.
Q In many of them? A Yes, sir, good many.
Q All like cases? A Oh, citizenship cases.
Q When was it you were in jail at Fort Smith? A I don't remember; Mr. Lollette can remember, he was there, he was my attorney.
Q Was it about 1883? A It was somewhere along there, along in 1880 somewhere.
Q That has been your principal business as a lawyer, has it not?
A Yes, sir.
Q You have never practiced much in any other [illegible] A Very little.
Q Were you in the habit of working your cases through in the manner in which you state you worked this through? A No, [illegible]

Q This was an exception who it? A I never worked this case through. I simply called the case up by request of Mr. Dawson. I read the evidence: don't know what proof there was in it: he just asked me to call the case up.
Q And he agreed to pay you $50 a family for doing that? A Yes, sir.
Q Was that what you required of him? A That is what he agreed to pay. I says "what will you give?" He says "I will give you $50 a family."

MR. HUTCHINGS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoemake case didn't he? A Yes, sir.
Q And you told him at that time before you knew anything about whether you would be made or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemake case? A Yes, sir; that is what I said.
Q You told him at the same time that you not only expected to claim you privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKennon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strengthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.
Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.
Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.
Q And let the Court decide? A Yes, sir.

MR. McKENNON:

Q Now, have you a license to practice in the United States Courts?
A Yes, sir.
Q In the Territory? A Yes, sir.
Q And also in the Indian Courts? A Yes, sir; do you want to see them?

JAMES W. LEWIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name please? A J. W. Lewis.
Q James W. Lewis? A Yes, sir.
Q Where is your postoffice, Mr. Lewis? A Afton.
Q How old are you? A 73 years old.
Q What is your business ? A I work at the tin business and gun work.
Q Do you know one James Dawson, the brother of F. M. Dawson and the other Dawsons? A I know old man James Dawson.
Q That is the one I mean, old man James Dawson? A Yes, sir: I know him.
Q How long have you known him? A Well, some four or five years, I guess.
Q How long? A Four or five years I think.

Q When did you come to the country? A I have been in the country 70 odd years.
Q Well, when did he come to the country, do you know? A Along about somewheres in eighty if I recollect right, might have been later than that.
Q How did you happen to be acquainted with? A He lived right close by me and I built a house for him.
Q Did you have any conversation with him at the time you built that house? A Yes, several different times.
Q About how he became a citizen of the Cherokee Nation, about the circumstances? A Yes, sir.
Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?
A Well, he told me that it cost him $700 to get his rights.
Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

I.R. McKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewheres near about 70 years old, he might have been older than that, I don't know.
Q He was a very old and feeble man? A Yes, he was old and feeble.
Q He seldom ever get out away from his house? A No, sir, only short distance.
Q When you first knew him he was that kind of man? A Yes, sir.

J. L. CLINKENBEARD, being duly sworn, testified as follows on part of the Cherokee Nation:

I.R. HUTCHINGS:

Q State your name? A J. L. Clinkenbeard.
Q What is your post office address? A Vinita.
Q How old are you? A 56.
Q Were you ever an applicant for citizenship before the Tehee citizenship Court in Tahlequah? A Yes, sir.
Q About what time was that? A September '81, I think.
Q Did you meet there about that time, one Elbert or Buck Dawson?
A Yes, sir.
Q How did you happen to meet him? A He and I stopped at the same place, man's by the name of Sturbow.
Q You and he stopped there, did you, board there? A Yes, sir.
Q Well, did you have any talk about citizenship cases, yours and his? A
A Yes, sir.
Q Where did he state that he was from? A Texas.
Q Well, state what you can remember of the conversation between you from time to time about citizenship in the Cherokee Nation?
A Well, we were there on the same business and we talked about it at different times, and in talking about the evidence we had there I, of course, told him how many witness I had and what I could prove and so on, and he said that he didn't have but one witness, Dr. Baker from Arkansas, and that was 85 or 90 years old, he said, and he hadn't come and said he was to have met him there, but he hadn't come.
Q Well, what did he say about the doctor's knowing anything?
A Well, he said he was 85 or 90 years old and didn't know straight up.
Q Well, did he say anything about giving him whisky?
A Well, he said he could give him four drinks of Arkansas whiskey and he would swear that black was white.

Q Did he say anything about if money could do in Texas or Indian Territory? A Well, in talking about the evidence, he said that money was what made the wars go down in Texas and he said "I come to get the lay of the land" and he says "I found out it goes here," or words to that effect.
Q Did he say what he had to spend on the question? A Well, he said that he could stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.
Q What did he tell you what he thought about the necessity of witnesses anymore? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.
Q Well, where did he go from there? A He and I left there together; he rode to Muskogee by way of Fort Gibson and there we parted.
Q Did you ever see him after that? A I saw him about two years or something like that afterwards.
Q Where? A Vinita.
Q Did you refer to the citizenship matter? A I asked him how he come out and he said all right.
Q Was he deformed in any way this man? A He had a crippled hand or stiff finger; I don't remember just what it was now.

MR. McKINNON:

Q Your first conversation with him was in '01 was it? A Yes, sir.
Q What time in '01? A September.
Q You were then an applicant for citizenship? A Yes, sir.
Q Were you admitted? A No, sir.
Q You are still an applicant? A No, sir.
Q You are still working to get in as a citizen of the Cherokee Nation? A No, sir; haven't quit it entirely.
Q What business are you in now? A I am running a dairy in Vinita.
Q When did you make these statements now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.
Q How did they ever know that you had had these conversations with Mr. Dawson? A I don't know.
Q You don't know how they found that out? A No, sir.
Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.
Q Now, did you approach him or did he approach you? A He approached me.
Q You know why? A No, sir; I suppose somebody I have told someone at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have seen Mr. Hastings for years.
Q Now, you say—now was that expression about his giving Dr. Baker three or four drinks of liquor? A He said the old man; he said that Dr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he did or not; he said he was 85 or 90 years old; he said he didn't know straight up; said he could give him three or four drinks of Arkansas Whiskey and he would not know black or white.
Q Now, he said that did he? A Yes, sir.
Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.
Q You say you next saw Dawson at Vinita? A Yes, sir.
Q How long afterwards was that? A About two years, I think something like that.
Q Did he move to the Territory? A Yes, sir he lived at Vinita at one time.

Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I sent the others to the country.
Q Do you run a dairy wagon there? A No, sir.
Q You serve on the jury a good deal? A I have been serving on the Petit jury there this winter.
Q Generally? No, sir.
Q Are you a kind of a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel and served.

C. G. BRAUGHT, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A C. G. Braught.
Q What is your age? A 62 29th day of last January.
Q What is your post office? A Fairland.
Q How long have you been living in the neighborhood of Fairland?
A Been living there 19 years.
Q Do you know one Bud Dawson or F. M. Dawson as his name is?
A I do.
Q How long have you known him? A About 18 years.
Q How close to you live from him? A Half a mile of him.
Q Does he still own that place? A I think he does.
Q Were you an applicant for citizenship along about '81 or '2 at Tahlequah? A Yes, sir.
Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.
Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the time that you had these conversations as near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to put up; he said it cost him $700 to get in; he said he paid one witness three hundred dollars.
Q Did he state the name of that witness? A No, he did not.
Q Whom did he say he made arrangements with? A He said he made arrangements with the Court; that is, heads of families to get them in at one hundred dollars apiece.
Q Do you know what time of the year tht was, whether it was in the summer or not? A I think it was in June.
Q Did he make any other statements to you at any other time?
A No, sir, I don't think he has in regards to that matter.
Q You have been living neighbors with him? A Yes, sir.

MR. McKENNON:

Q You say this was about June of '83? A I think it was in June, 1883, I won't be positive whether it was June or not.
Q You were an applicant; were you admitted? A No, sir.
Q Have you been admitted? A No, sir.
Q You are still an applicant? A Yes, sir.
Q Still trying to get in? A Yes, sir.
Q Where was this conversation had? A Had at Bud Dawson's house.
Q What part of the premises? that is, in his residence?
A Yes, sir.
Q In the house? A Yes, sir.
Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.
Q Was there more than one room? A I won't be positive but I don't think there was but one room, log house.
Q Just one room? A Yes, sir.

Q And in that room he made this statement to you? A Yes, sir.
Q He and you are enemies are you not? A No, I don't think we are enemies.
Q You are not friendly we all? A Friendly part of the time, and part of the time we ain't.
Q Haven't you had considerable trouble about the lands between your farms? A No, sir; we ain't had any trouble.
Q Didn't you have his little boy arrested recently for a difficulty? A Yes, sir.
Q And you say that you are not on bad terms with him? A Why we speak, have conversation, have right right along all the time.
Q Is it not a fact now that you and he have been all the while at outs? A No, sir.
Q You don't have any unkind feeling towards him? A No, sir.
Q What were your other remarks? A I said no, sir, I didn't have any unkind feeling towards him.

(It being 5 o'clock, the Commission adjourns until 8:30 o'clock to-morrow morning.)

March 19, 1902.
Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of Counsel for Applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. C. BRAUGH, re-called, further testified:

MR. McKENNON:

Q Mr. Braught, you were a claimant under the Watts family are you not? A Yes, sir.
(witness excused.)

CHARLES D. KENNEY, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Charles D. Kenney.
Q What is your post office? A Dawson now.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; supposed to be.
Q Recognized as such are you? A Yes, sir.
Q How old are you? A There is no family record, my parents died when I was young, I just guess at my age, I am somewheres between 44 and 45 years old.
Q Were you personally acquainted with one Elbert or Buck Dawson? A I knew Buck Dawson when I saw him.
Q Did you know him in the state of Texas, if so state what time? A I knew Buck Dawson, knew him and saw him at different dates in Texas.
Q Well, in the year '81 in Clay County, Texas, did you ever see him? A It was in '81 or 82, I think I knew him in both years.
Q Did you ever have any conversation with him in the presence of Bill Smith, Jiles Flippin and Joe Preston about his application for citizenship in the Cherokee Nation? A Mr. Dawson and Flippins were talking in regard to grass down there before we one time and

it was mentioned, I was going up on the strip and Buck Dawson says "he an Indian" and Jiles said "yes, he is an Indian", and "By God," I believe is the way he spoke, "if I was an Indian I would not be punching cattle, I would have stock eating my grass."
Q What did he say about making application? A He said he was going to the Chickasaw Nation and prove up and get him some grass.
Q Who was that? A Buck Dawson.
Q Well, did anybody suggest about his going to the Cherokee Nation? A Yes, sir, I told him, I says "why don't you go to the Cherokee Nation, why don't you go up home" I believe is the way I spoke it, "up amongst God's people;" and he says "are they all white like you?" and Jiles spoke up and says "majority of them."
Q Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow punchers, and Mr. Flippin says "Hell, I am going; brother John is getting ready to go now."
Q Well, then what did he say to you? A He says "Who are your best lawyers up there; Kerney," and I told him "Hooley Bell was counted the brainiest man in our country."
Q Well, do you know whether he claimed to have any Indian blood or what he was claiming in that country, whether white man or Indian? A No, sir, I could not say what he was; he was generally known down there as Buck Dawson, a citizen of the State of Texas, that is all I know of him.

Mr. McKennon: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKennon:
Q Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Ross County, Texas. B. F. Alberty was my guardian.
Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date.
Q About what time? A It was sometime in '80 though.
Q What tribunal first? A I don't know; I don't know either when I was admitted, I was re-instated at Council.
Q When? A I think it was in '87 or '88.
Q Haven't you been arrested for crime and charged with crime? A Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande.
Q For what offense? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road.
MR. HASTINGS, of Counsel for Cherokee Nation:
Q Were you ever convicted? A No, sir.
Mr. McKennon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. BABEART, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name, please? A Thomas B. Babeart.
Q What is your post office? A Melvin.
Q What is your age? A 48.
Q Are you a Cherokee by blood? A Yes, sir.

Q Did you know one James Dawson? A Well, yes; I did; I have seen him time or two.
Q Were you in Tahlequah about the time he had an application before the Spears or Snake Puppy Citizenship Court? A Yes, sir; I was there about the time the case was settled.
Q Did you know Aaron Butler? A Yes, sir.
Q Who was he? A He was a Cherokee Interpreter for the Court.
Q Do you know James Smith? A Yes, sir.
Q Who was he? A He was the Nation's attorney before the Court.
Q Well, did you about that time have a conversation with either Aaron Butler of Jim Smith in company with Mr. James Dawson? A Yes.
Q State the full particulars of it? A About that time this man Dawson and Butler come to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.
Q Well, did he say anything about whether he could get his case submitted if he had more money? A Well, from the language to me and Butler, he wanted this money; Smith had agreed to submit the case without further evidence in the matter.
Q Well, did you let him have the ten dollars? A Yes, sir.
Q Where did they go then? A They walked off up towards town.
Q Did they go together, those three? A Yes, sir.

MR. McKENNON:

Q Was that James Dawson, the leading applicant in that case?
A Yes, best of my recollection that was.
Q How old a man was he? A I don't know; I could not tell you; he looked, I don't know, he might have been—could not tell you just about how old he was.
Q Well, about how old was he, 25, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.
Q Is he living or dead? A I don't know.
Q Where have you been living? A I have been living down here near Tahlequah.
Q What was the man's name, Dawson's name? A Jim Dawson I think.
Q You are certain of that? A Yes, sir; I am pretty certain.
Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.
Q Dawson took you off to one side? A Butler took me to where Dawson was and introduced me to Dawson and vouched for Dawson being all right for the money.
Q When did you first make a statement of this matter to anybody?
A I guess—I don't remember when.
Q How long have you been in Muskogee this time?
A I have been here since, I was summoned here last Friday.
Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.
Q When? A Oh, about, first I remember it was been about two years ago, and Butler was talking to me about it; it was at my house.
Q Were you born a citizen? A Yes, sir.
Q You weren't admitted to citizenship by the Courts or Council?
A No, sir.
Q You have been living in the Cherokee Nation all your life?
A Well, I was born and raised here; ; I haven't been here all the time; I have been out and in.

Q You have never seen that ten Dawson since? A If I have I have never known it, but I seen him the next day.
Q You saw him and took a good look at him, and know about what kind of man he was? A I saw him around there about several times.
Q You think he was about 35 or 40 years old? A That would be my guess at it, my recollection.

Mr. McKennon: Applicants object to the testimony of this witness, all of it, because it is wholly incompetent and irrelevant.

DELIA A. BREWER, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your full name? A My husband's name was O. P. Brewer, but generally I sign my name Mrs. D. A. Brewer.
Q What was your full maiden name? A Delia A. Vann; well it was really Delilah but I never was called by that name, it was De altogether in my young days.
Q What was your father's name? A His name was Joseph Vann.
Q Was he called by any nicknames and if so how many, and what? A None but the Cherokees, the full-Bloods called him Joe Aney.
Q What does that name mean when you talk English? A Rich Joe.
Q Did any of them call him Big Joe Vann? A I don't know; he was a large man; larger than the other Joe Vann.
Q There was another Joe Vann? A Yes, sir.
Q Did your father have any sisters and brothers? A He had quite a number of sisters.
Q Did he have a half sister? A Had two half brothers.
Q Did he have a half sister? A And several half sisters.
Q Who did they marry? A Different persons; I knew the names of all of them but I have a bad memory, but I know that there was one, a Mrs. Ibbie Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.
Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.
Q Never had any Rogers kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.
Q The Dawson case was talked of here for many years, they claiming kin?
A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that my family was prominent enough that they never claimed kin.
Q They never claimed kin at all? A No, sir.
Q Did your father ever had a sister or half sister by the name of Annie, Anna or Alsey? A No, sir.

Mr. McKennon: Applicants object to all the testimony of this witness because it is incompetent and irrelevant.

SAMUEL TOLLIVER DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Samuel Tolliver Dawson.

Q What relationare you to the Dawsons? A Well, I am not acquainted with none of these Dawsons, I guess I am cousin, that is what he told me.
Q Who was your father? A Samuel Filey Dawson.
Q What did you say your father's name was? A Wile Dawson.
Q Do you know what his full name was? A Samuel Riley Dawson.
Q What children had your father? A Why, he has got, you mean his first children or his whole family?
Q I want all of his children? A I don't know, I will have to count a while on them, there was nine or ten of them.
Q Just one or two of them I care for: is Mrs. Lewis your sister? A Yes, sir.
Q Your full sister? A Yes, sir.
Q Was she a daughter of S. R. Dawson, Jr.? A Yes, sir.
Q How who were the parents of your father, , Samuel Dawson? A Why Sam Dawson was his father.
Q Sam Dawson was his father? A Yes, sir.
Q What was Sam Dawson's wife, if you know their family history, what your father said or what your grandfather said? A I have heard that she was a Pruitt, my father said; of course I don't know.
Q What was her given name? A Annie.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q Saw him? A Yes, sir.
Q Do you know about how old he was when he died? A He was somewhere up about 90.
Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.
Q Was your father his youngest child? A Yes, sir.
Q D you know about when your father was born? A Well, no, I don't, he died in '90 and he was 67 years old.
Q He died in about '90 and was about 67 years old when he died? A Yes, sir.
Q And he was the youngest child? A Yes, sir.
Q How, do you know how many children your grandfather had , that is brothers and sisters of your father? A I heard him say seven.
Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian? A Well, I heard my father speak about it, I don't know that I ever heard my grandmother say anything about it.
Q Well, what did he say about it? A I have heard him say his mother was not an Indian.
Q Did you fathercome here and apply nce for citizenship? A Yes, sir.
Q Was he admitted? A I think not.
Q Did you hear him make any statements about he ground he expected to get in? A He said his brothers had proved their rights here and if his brothers had any rights he did, but I don't know.
Q Well, in that connection didhe say whether his mother was an Indian or white woman? A Never heard him say that his mother was a white woman in speakin about that, I don't know whether he said anything about that or not; I have heard him say his mother wasn't no Indian.

Mr. McKennon: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

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(Taking of testimony continued by Stenographer M. D. Green)

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

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(Continued from testimony taken by Steno. J. O. Rosson.)

March 19th, 1902, at Muskogee, I. T.

Appearances:
Mr. A. S. McKennon and Mr. Mellette, attorneys for the applicants.
Mr. W. T. Hutchings, and Mr. W. W. Hastings, attorneys for the Cherokee Nation.

EMMA BRASHIERS, being first duly sworn, and being examined testified as follows:
BY MR. HUTCHINGS:

Q State your name? A Emma Brashiers.
Q What was your maiden name? A Emma Dawson.
Q What was your father's name? A Samuel Riley Dawson.
Q What was his father's name? A Samuel.
Q What was your grandfather's name? So far as you know from family history? A Her maiden name was Annie Pruett.
Q Then your father, if I understand you, was the son of Samuel Dawson and Annie Dawson, nee Pruett? A Yes, sir.
Q Did your father have a brother named Robert, and a brother named James? A Yes, sir! that is what I was told.
Q And had a sister named Mrs. Petty? A Yes, sir.
Q And another one named Mrs. McGee? A Yes, sir.
Q And another brother named John? A Yes, sir.
Q What relation are you to Mrs. A. S. Lewis? A Sister.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q You have a distinct recollection of him? A I, yes, I can remember him, but I was small.
Q About how old were you you suppose when your grandfather died? A About 6.
Q Was your father's birth recorded in the family Bible? A Yes, sir.
Q You know whether your grandfather's record of marriages and deaths were recorded in any Bible or not? A I was, but we never got it.
Q What became of it? A Got burned.
Q Well, about what year do you remember that your father, Samuel Dawson was born? A I believe it was '23.
Q In 1823? A Yes, sir.
Q And how old was he when he died, if you recollect? A He was between 64 and '7.
Q Did you ever hear your father speak of his relations, his mother and father, as to whether they were white people or Indians? A Yes, sir, they were white people.

Q. You know whether in the family you grandmother was spoken of by the name of Annie, always? A. Yes, sir.

BY MR. McKENNON: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

ALEX S. LEWIS, being first duly sworn and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A. Alex S. Lewis.
Q What is your post-office? A Dawson, Indian Territory.
Q How old are? A 59 years.
Q What was your wife's maiden name? A Elizabeth Parales Dawson.
Q Who was your wife's father and mother? A Her father was Samuel R. Dawson and her mother was the wife of Samuel R. Dawson, did you want her maiden name?
Q Well, if you know the maiden name of your wife's mother, state how you know it? A Well she was called Margarett, Margarett Queen was her maiden name.
Q The maiden name now of your wife's father's mother? A Why the maiden name of my wife's father's mother?
Q Yes, sir? A From what her husband and my father-in-law told me it was Annie Pruett.
Q What was the name of your wife's father's father? A My wife's grandfather on her father's side, Samuel Dawson.
Q And his wife's maiden name was Annie Pruett? A Yes, sir.
Q Did you know the old gentleman, Samuel Dawson, you wife's grandfather? A Yes, sir.
Q Personally? A Yes, sir.
Q What opportunities had you to get acquainted with him? A He lived with his youngest son, my father-in-law, and visited me, my wife and I, after we were married, stayed with us quite a while; I lived near my father-in-law and we visited very often.
Q When did he die? A '74.
Q Have you any particular method of recalling that date? A Well, I was away from the house when he was taken sick, and they sent for my wife and myself, and so when I got home my wife had gone to her father's to see her grandfather, he was sick, and I remember my first wife was a baby at that time.
Q And when was your first child born? A He was born December, '73.
Q You know how old you wife's father was when he died? A Why he was up in 60, but I don't remember his age.
Q Did the old original Samuel Dawson ever tell you his age? A Yes, sir, several times.
Q How old was he at the time of his death? A He was past 94.
Q Did he ever tell you whether or not his wife Annie Pruett had any sister or brother? A Told me she only had one brother named Bob Pruett.
Q Have any of the members of the family named their children after him? A Make it a little plain, it is a little long; my wife's oldest brother was a particular favorite of his grandfather, and he always took this boy with him everywhere, and he has named one of his,- oldest child for this brother-in-law who was a particular favorite of his grandfather; named it for him I understood.
Q How, what is his name? A Of course I don't know why he named it, but he gave him the name of Robert Pruett, and I understand it was on account of his grandfather thinking so much of Robert Pruett.
Q Did you ever hear the old Samuel Dawson speak of his brother-in-law? A Yes, sir; I have heard him say that he wished he knew what had become of Bob Pruett, he never had heard of him for a long

time; didn't know where he was, or whether he was alive or not.
Q Now, I want the children of Samuel Dawson and Annie Pruett, how many of them did you know, first? A How many did I know personally?
Q Yes, sir? A John James, and Samuel R. Those were the only ones of his children that I remember personally.
Q Well, remember what you know of the family, what other children did he have? A Well he had two girls, as I understand the family history, he had two girls, first, and John Dawson was the third child, and the oldest boy was John Dawson.
Q Was John Dawson the oldest boy? A Yes, sir.
Q Which was the oldest girl? What is she known by now? A I think it was Mrs. Petty, nee Bettie Dawson.
Q And John Dawson was the oldest boy? A Yes, sir.
Q And Samuel R. Dawson was the youngest boy? A Yes, sir.
Q You know anything about the time John Dawson was born, have you any way of coming at it, the oldest boy? A Yes, sir, I know what the oldest son and his wife told me.
Q What was that? A They said he was born in 1811.
Q Who was his oldest son? A Toliver H. Dawson; told me his father was born in 1811.
Q Do you remember now whether the old man had occasion to say whether his wife, Annie Pruett was an Indian or white woman, or ever said anything about it? A I know what the old man said that she was, I don't know that I ever heard the question approached in that way, I have heard him speak as to her blood, but it was in a different way that he reached it.
Q What blood did he say she was? A Well he said that she was the daughter of Mrs. Pruett, a white woman; and that her father was Captain John Rogers, a white man who lived with the Cherokee Indians, and traded with them.
Q Did he say who Captain John Rogers afterwards married? A Said he had a wife in the Cherokee Nation.
Q But that Annie Pruett was not her child? A No, sir, she was the child of Mrs. Pruett.
Q A white woman? A Yes, sir, that was the half sister of Bob Pruett.

BY MR. McKENNON:

Applicants object to all of the testimony of this witness, because it is wholly incompetent and irrelevant.

Q Did ever you apply for citizenship here? A Yes, sir; for my wife.
Q When? A My father-in-law made the application, I don't know exactly when it was, I think probably about '86, I couldn't say as to the date.
Q Before the Cherokee authorities? A Yes, sir.
Q Did he file an application before the Dawes Commission in 1896 also? A Him.
Q Yes, sir? A I don't think he did, no sir.
Q Did you? A I did.
Q On account of your wife? A Yes, sir.
Q Did you make affidavit to that application? A No, sir.
Q Who did? A I don't know, don't remember now.
Q You applied for your wife as an Indian by blood did you not? A Yes, sir.
Q Are you still an applicant? A No, sir.
Q Is she? A No, sir.
Q She was denied was she? A Yes, sir.
Q Was there an appeal taken from that? A Application was filed if I remember, before the Dawes Commission, and they rejected the case, and then I appealed it to the District Court, and it was rejected there and then I stopped.

Q Have you ever been arrested for any crime? A Yes, sir.
Q What? A Charge of murder.
Q Anything else? A No, sir.
Q Committed on the train? A Yes, sir.
Q In a train robbery? A Yes, sir, in a train robbery.
Q How long did you remain in jail? A Appealed the case to the Supreme Court, and it was reversed and sent back, and I was acquitted on that charge.
Q That all the crime you were ever charged with? A Yes, sir.
Q Haven't you been having some trouble with the Dawson family? A Well me personally I have no trouble with any of them, there is one of my boys and one of W. A. Dawson's sons-in-law had some trouble.
Q You are not friendly with the Dawson family? A That son-in-law Mr. Wooley, and myself, don't speak, and I don't think his wife speaks to me either.
Q Well you are claiming some sort of lease on the Wooley farm, aren't you? A No, sir, I don't claim any lease on the Wooley farm.

B. W. ALBERTY, being first duly sworn, and being examined, testified as follows:
BY MR. HUTCHINGS:
Q State your name? A B. W. Alberty.
Q What is your post-office? A Tahlequah.
Q What is your present official position in the Cherokee Nation? A Assistant Executive Secretary of the Cherokee Nation.
Q As such have you charge of the citizenship records and books etc. of the Nation? A Yes, sir.
Q Have you made search recently for the original records in the various cases of the Dawson family before citizenship courts in Council? A Yes, sir.
Q Have you got what records you found with you? A I find what's supposed to be the original papers in the case, all that I could find. (Produces papers and hands to Nation's attorney.)
Q Where did you find these papers? A I found them in the desk in which papers of that character are filed away in the Executive Office at Tahlequah. (Applicant's attorneys examine papers produced by witness.)
BY MR. HUTCHINGS: The Nation here introduces in evidence an envelope marked No. 108, the names on the back of it are Robert, Elbert, Jasper, John, Frances, Marion, Josephine, Joseph, Jane, Mollie, Filburn, James, Rial Dawson, versus the Cherokee Nation; the envelope and its contents.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced by the Cherokee Nation is indorsed as follows:

"No.108, Rob. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Filburn Dawson, James Dawson, Real Dawson, vs Cherokee Nation, Petition for Citizenship, filed Sept. 24, 1881. Admitted Jan 11th, 1883, D. W. C. Duncan, Clerk."
In pencil: "Robt Dawson."

The said envelope contains a document as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19th, 1883.

No. 108 Robert Dawson, "et al."
vs.
Cherokee Nation.

Testimony for Claimants.

Witness:

Dr. Baker sworn testified as follows, My name is Ann Baker I reside at Berryhill, Arkansas, Carroll County, My age is 73 years, I am not a Cherokee, I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with Mrs since I became a citizen of Carroll County some thirty five years (line drawn through the last three words.) 35 years at my mother's house near Calhoun I became acquainted with the claimants Robt Dawsons grandmother on mother's side, she was frequently at my Mother's house; though she Anna Pruit lived in the Hanton side. She claimed to be a half sister to Big Joe Vann, also claimed to be full Cherokee; the first time she brought the claimant's mother to my mother's house was the claimant's mother was about grown, then I was a bit larger boy she called her daughter Polly Rogers said Capt. John Rogers who run a boat up the river was the father of the child; I saw the girl frequently there at my mother's and also at Louis Rogers Store I saw her occasionally until I was 15 or 16 years old and I think then Old Capt. John Rogers took her off to school. I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of Old Samuel Dawson. I stayed all night there on one occasion and I had a talk over our old acquaintance, and I asked her when she became acquainted with Dawson and she said at the time she was going to school. And she said after she left school that Dawson followed her home to the Nation and they were to be married. I have told what precisely in the words she used.

Capt John Rogers claimed to be one fourth Cherokee, the claimant is the son of Polly Rogers and I know Polly Rogers to be the daughter of Anna Pruet, and I know the claimant to be the son of Polly Dawson Capt Rogers then resided in the Cherokee Country about twelve miles from Calhoun on the Hiawatha River.

Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawsons when I got acquainted with them Arkansas were recognized where they were as Cherokees, Robt Dawsons children is Buck, John, Marion, and two girls; the children named in the petition I recognize as being the claimants.

Question by Solicitor:

Ques. 1 How many children did Polly Rogers have?
Ans. 1 Five, I think that's all.
Ques. 2 Did you say something about someone being married twice?
Ans. 2 The claimant was married twice.
Ques. 3 Could Anna Pruet speak Cherokee?
Ans. 3 Yes she could speak it well
Ques. 4 Did Polly Rogers speak Cherokee?
Ans. 4 She could when she was young.
Ques. 5 How far do you live from Anna Pruet?
Ans. 5 Just across the river about 3/4 of a mile.
Ques. 6 Was Calhoun in the Cherokee Nation?
Ans. 6 It was on both sides of the river, part in the Nation and part out in the State.

Ques. 7 Which Marriage was it went to Texas?
Ans. 7 George went first then John went they were the sons of old Man Marriage that lived up here near the line.
Ques. 8 Did the claimant go to Texas?
Ans. 8 No the clairant didn't go to Texas.
Ques. 9 What connection was claimant and Polly Rogers?
Ans. 9 The claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.
Ques. 10 Where does claimant now live?
Ans. 10 He lives in Carroll County, Arkansas.
Ques. 11 Do you know what relation old Captain John Rogers was to Charlotte Rogers here in Coowescoowee?
Ans. 11 They claimed kin but what kin I dont know there were two Capt. John Rogers' in the Nation I am speaking of the time when I first came to this 1830 Country about the year 1830.
Ques. 12 Was Anna Pruet the maiden name of Claimant's grandmother
Ans. 12 Yes that was her maiden name the Indians called her Sinee.

his
(signed) Arthur. A. x Baker.
mark

Witness' hand paralyzed is the reason he signs by a mark thus "x".

The above document is indorsed on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case, Robt," Decided by the Tenee Court in 1883. A. Riley Dawsons Step daughter a white woman married a white man, named August Rulaskn."

BY MR. HUTCHINGS: We further introduce envelope N. 181, of E. Dawson for his grand-children, versus the Cherokee Nation, and its contents, to-wit: The Petition and affidavit of F. M. Dawson, and the testimony of Joseph Dawson.
(Hands papers referred to to applicant's attorneys.)

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced is endorsed as follows:
"No.181. E. Dawson vs the Cherokee Nation. For his grand children. Petition for citizenship. Filed Sept. 14th, 1883, D. W. C. Duncan, Clerk of Com. Decided Sept.13, to be Cherokees.

The contents of said envelope are as follows:

"Office of Commission on Citizenship.
Tahlequah, Cherokee Nation, Sept. 14, 1883.
E. Dawson,
No.181. vs for his grand children,-
Lulu Dauthett,
Dallas Dauthett,
F. M. Dawson for Claimant introduced sworn and in open Court testified as follows:
My name is F. M. Dawson. Am Cherokee by blood reside in the Cherokee Nation am 30 (40 written over it) years old.

I saw the Claimants, Lulu Dauthet and Dallas Dauthet in Vinita, and know them to be the grandchildren of my brother E. Dawson who is a recognized Cherokee by blood. L. M. Dauthet, the father of the Claimants, Lulu and Dallas is a white man Dauthet's wife the mother of Lulu and Dallas was a Cherokee, the daughter of my brother E. Dawson, she is now dead. The oldest of these applicants is about 9 years old. I have known them about 8 years. These children is now living with their father. One is a girl and the other is a boy. I had been acquainted with her mother all her life. If she had been now living she would have been about 25 years old - - She has been dead about 4 years as well as I can recollect, She was about 17 yo rs old when she was married.

his
(signed) F. E. x Dawson,
mark

Office of Co mission on Citizenship,
Tahlequah, Cherokee Nation, Sept. 14, 1903.
No.181 E. Dawson
for his grand children
Lulu Dauthett
Dallas Dauthett

Joseph Dawson introduced for Claimants, sworn in open Court testified as follows:

Jos. Dawson, on a Cherokee live in the Cherokee Nation, am 31 years old.

Lulu Dauthett and Dallas Dauthett, the Claimants are Cherokees. Fannie Dawson was their mother. Fannie Dawson was a Cherokee, that is what I was always told. Her father was E. Dawson. E. Dawson was my brother. Mrs. Dauthett is not living now: the last time I saw Lula, and Dallas Dauthett, they were in Texas. But I have heard since that they are in the Cherokee Nation. E. Dawson recognizes them as his grandchildren and I have known them ever since they were born.

By Solicitor:

Lula is about 10 years old. The Dallas is about 5 or 6 years old. I heard that their father is now at Vinita Cherokee Nation, E. Dawson is Elbert Dawson. The applicants' mother has been dead about three or four years. She died at Hillsboro, Texas.

I was not present when their mother and E. Dawson had eight children to the best of my recollection, or 9. Fannie, Francis, Cartenas, Janie, Bob, Erish, Worth, Bert, Ella. All living but two, Fannie and Smith. They are all living in Texas when I left there. I am a brother to F. E. Dawson, we are full brothers. My father has been admitted to Cherokee Citizenship by this Court.

his
(signed) Joseph x Dawson,
mark

To the Commission on Citizenship,
Tahlequah, C. N. Sept. 12, 1903.
E. Dawson for grandchildren,
Lulu Dauthett,
Dallas Dauthett,
vs
Cherokee Nation.

Now comes E. Dawson petitioning for the Cherokee rights of his grandchildren, Lulu Dauthet. & Dallas Dauthet., by virtue of their Cherokee blood, which was derived from the

Dawson family, who is acknowledged Cherokees by admission of your Hon. Court, at its last session in January, 1905, in view of the facts ask your Hon. for a speedy and favorable consideration of our claims.

(signed) R. Dawson for grand children,
By C. H. Taylor."

This last document is indorsed on back as follows:
"No. 181, Petition of Lela, Bartlett & Dallas Southlin, for Citizenship Filed Sept 14, 1903, D. W. C. Duncan, Clerk."

BY MR. HUTCHINGS: Now we desire to introduce the judgment in the case of S. R. Dawson, and others, of the Commission on Citizenship, found on page 20, of Record Book B, of the Citizenship cases in the Cherokee Nation, said book having been turned over to and now in the custody of the Commission; the judgment being dated April 26th, 1839.

BY MR. McKENNON: To the introduction of which the applicants object, because it is wholly incompetent, irrelevant and immaterial.

Record above introduced is as follows:

"Office of Commission on Citizenship,
Tahlequah, C. N. August 11th, 1837.

Docket No.	Names,	Age	Sex	Post Office,	Attorney
	1 S. R. Dawson,	66		Catoosa,	
	2 Parlee Dawson,	44	female		
307	3 Amerion J. Dawson,	35	"		
	4 Katharine J. Dawson,	33	"		
	5 J. G. Dawson,	31	male		Bell &
	6 Eliza F. Dawson,	29	"	Applicant for	Bryant.
	7 Bolivar Dawson,	27	"	Cherokee Nation.	
	8 Eliza Dawson,	20	female		
	9 Fanny Dawson,	18	"		
	10 John Riley Dawson,	11	male	R.	
	11 Robert E. Dawson,	9	"		
	12 Claud Dawson,	7		Ancestor	
	13 Cleveland Dawson,	5		John Rogers	

— filed August 11th, 1837."

In red ink written along Age column is the following: "Rejected April 26, 1839."

"Now this day comes the above case for final hearing, Samuel R. Dawson, bases his application for readmission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the alleged daughter of Captain John Rogers and Chilsey Pruitt, said to be a full sister of Joseph Vann, commonly known as Rich Joe Vann of Cherokee blood. It is admitted that John Rogers and Chilsey Pruitt died before the roll upon which their names would appear if living at the time and specified in the 7th section of the Act of December 9th, 1836, creating the Commission on Citizenship, were made but in support of the application it is urged that certain members of the Dawson family and full brothers of the applicant were re-admitted to citizenship by the Commission on Citizenship commonly known as

"The Tehee Court", and the "Spears Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which determined the decision of those Commissions of the testimony now introduced to authorize the admission of the present applicant is not relivent to the issue now pending. The 7th section of the Act of December 8th, 1886, before named provides, that "The Commission shall give a hearing to any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States," As are hereafter enumerated. Neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Jounnah Barber nee Jounnah Dawson and Jane Queen, nee Jane Dawson, and their families, as enumerated in their respective applications.

(signed) Will P. Ross,
Chairman.

This April 26th, 1889.
(signed) D. L. Williams,
Cl'k Com'n.

(signed) R. Bunch, Commissioner,
John E. Gunter, Com'nr.

BY MR. HUTCHINGS: The Nation now introduces the envelope in the case of James K. P. Dawson, and the contents, being the original testimony in the case of E. Dawson; also the judgment in said case, found on page 116, in book C., containing the records of the Citizenship Commission of the Cherokee Nation, the date of said Judgment being April 26th, 1889; this book being also in the custody of this Commission.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope above introduced is indorsed on back as follows:

"Name, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - Years, - - Roll of 1875, Ancestor, Riley Dawson, filed the 5 day of Oct. 1887, Docket 989, Book C Page 116, Testimony on Journal - - Page - - Decision of Commission Rejected 26 day of April 1889
Rejected."

The contents of said envelope are as follows:

"A. J. Dawson, et al.,) Office Com. On Citizenship,
(vs) (Tahlequah, I. T. Sept. 27th, 1887.
Cherokee Nation.)

E. Dawson, who being duly sworn, upon his oath, deposes and says as follows, to wit:

I am a citizen of the Cherokee Nation and reside in Coowee-coowee Dist. and am 53 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I have known him personally about three (3) years. He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a realtion of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee river in Tenn. I think he had four (4) children. I haver saw any of them but Andrew J. Dawson, and Jim Dawson.

-Cross Ex.-

Joe Dawson has been dead about 36 years he lived west of the Mississippi River, I understand. My father had four brothers. I don't know how long Jou Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of my Uncle Jou Dawson, is from what he himself has told me, - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me- My grandfather being a Dawson and a white man.

Attest

Connell Rogers,
Clk. Cor. on Citizenship."

This document is indorsed on back as follows:
"Testimony of E. Dawson in case A. J. Dawson."

The judgment above introduced, and found on page 116 of Book C of the Dockets of Cherokee Citizenship Commission, is as follows:

"James K. P. Dawson,
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., Oct. 5, 1897.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	James K. P. Dawson,-		Male		
2	William A. Dawson,				
3	Richard A. Dawson,				

109

C. H. Taylor.

vs.

Applicant for
Cherokee Citizenship,
Census Rolls 1835
Ancestor,
Riley Dawson.

Cherokee Nation. "

In red ink along age column are the words: "Rejected April 20, 1899."

"Adverse to Claimant.
See decision in this case in the of S. P.
Vol in Book (3) Page 20.
April 20, 1899.
D. C. Williams,
Clk Com.

Will P. Ross,
Chairman.
J. E. Potter, Com."

BY MR. HUTCHINGS:

The Nation desires to introduce the original envelope and its contents in the case 196, of Rebecca Dawson, being the application and judgment in the case, also the judgment as copied into the record, Book C, on page 144, the date of said judgment being August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope just introduced is indorsed on the back as follows:

"196, 1, Name Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address Emmet, I. T., Age 48 years, 1835, to 1852, Roll of 18-- Ancestor Moton, Filed the 5 day of Oct 1887, Docket 1017 Book C Page 144, Testimony on Journal- Page - - Decision of Commission, Rejected 28 day of August 1889. Submitted by Mr. Rasmus, Aug. 28, 1889." R"

The contents of said envelope are as follows:

"APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship:
Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution, and with an act of the National Council approved December 8th, 1886, creating your Commission, And respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Moton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds for this application for Cherokee citizenship by blood, and respectfully awaits the time when Application shall be duly heard and tried in accordance with the aforesaid law.

Age, 48 years; Postoffice, Emmett, Chic. Na. family with their relationship attached is as follows:

No Name Sex Age Relationship.

In witness of which application I hereto set my hand on this the 4- day of October 1887.

(signed) Rebecca Dawson,

Doudinot & Rasmus,
Attorneys."

- - - - - - - - - - - -

"COMMISSION ON CITIZENSHIP.
Cherokee Nation, Ind. Ter.
Tahlequah, August 28th, 1889.

Rebecca Dawson)
V. 6.
Cherokee Nation.) The above case was called and submitted by

Ramsus without evidence the Commission decide that Rebecca Dawson, Age 48 yrs is not a Cherokee by blood & d are not entitled to citizenship in the Cherokee Nation Post Office Krum Texas - - I. T.

(signed) Will P. Ross,
Chairman,
J. E. Gunter, Com."

- - - - - - -

The judgment found in Book C, Records of Commission on Citizenship, Cherokee Nation, page 144, is as follows:

"Rebecca Dawson.
OFFICE COMMISSION ON CITIZENSHIP.
Tahlequah, Ind. Ter., Oct. 5th, 1897.

Docket No	Names	Age Sex	Post Office Attorney.
1	Rebecca Dawson	48 female	Emmett, I. T.

1017

a.
Boudinot & R.
Applicant for
Cherokee Citizenship.

Census Rolls, 1835,
to 1852.
Ancestor,
Moton.

V. S.
Cherokee Nation.

- - - - - - -

Office Commission Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug. 23th, 1899.

The above case was called and submitted by Attorney Ramsus without evidence. The Commission decide that Rebecca Dawson, aged 48 years is not a Cherokee by blood and not entitled to Citizenship in the Cherokee Nation.

Attest:
E. C. Ross,
Clerk Commission.

Will P. Ross,
Chairman,
J.E. Gunter, Com."

BY MR. HUTCHINGS: The Nat on next introduces the original envelope and contents in the case 193, of Mary Dawson, the contents being the application for citizenship, and the judgment as written up by the Court; also the judgment of the Court as copied in Book C, Page 145,- said judgment being rendered August 23th, 1899.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced is indorsed on back as follows:

"193, 2, Name, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Bowie, Texas, Aged 54, years, 1835 to 1852 Roll of 18— Ancestor, Moton, Filed the — day of S 18— Docket 1018, Book C Page 145, Testimony on Journal— Page— Decision of Commission Rejected 23th day of August 1899. Submitted by Mr. Ramsus, Aug, 23, 1899."

"APPLICATION FOR CITIZENSHIP".

To the Honorable Commission on Citizenship
Gentlemen:- The undersigned, your petitioner, this day makes this her Application for re-admission to citizenship in the Cherokee Nation in accordance with the Constitution, and with an Act of the National Council, approved December 6th, 1839, creating your Commission. And respectfully makes the following statement of the grounds on this her application, to-wit:

That Mary Dawson is the Grand Daughter of one Nelson, who the undersigned firmly believes was duly enrolled upon the Cherokee Rolls of Cherokee by blood, citizens of the Cherokee Nation, taken and made in the years 1835, -43 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds of this her application for Cherokee citizenship by blood, and respectfully awaits the time when her Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 54, years; Postoffice, Bowie, Texas, family with their relationship stands as follows:

No.	Name	Sex	Age	Relationship.
1	Walter Dawson	M	13	Son.

In witness of which application I hereunto set my hand on this the 4 day of October 1887.

Mary Dawson,

Boudinot & Rogers,
Attorneys.

- - - - - - -

COMMISSION CITIZENSHIP,
Cherokee Nation, Ind. Ter.,
Tahlequah, August 30th, 1889.

Mary Dawson,
vs
The Cherokee Nation } Application for Cherokee Citizenship.

The above named case having been submitted by W. F. Rogers, Attorney for claimant, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 13 yrs, are not of Cherokee blood, P. O. Bowie, Texas.

Wm P. Ross,
Chairman,
J. T. Taylor, Com'r."

- - - - - - -

Said envelope also containing the following:

APPLICATION FOR CITIZENSHIP
TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen:- The undersigned, your petitioner, this day makes this his application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an act of the National Council, approved December 6th, 1839, creating your Commission. And, respectfully makes the following statement of the grounds of this his application, to-wit: That Jesse K. P. Dawson is the son of one Miley Dawson who the undersigned firmly believes was duly enrolled upon the - - - Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1875, the undersigned herein presents the above facts as the lawful grounds for this his application for Cherokee Citizenship by blood, and respectfully awaits the time when his application shall be truly heard and tried

in accordance with the aforesaid law.
Age - - years; Post-office - - -; family with their respective citizenship attached is as follows:

Names	Sex	Age	Relationship.
Willia A. Dawson	Male		Son.
Richard A. Dawson,	"		"

In witness of which application I hereto set my hand on this the 4th day of Oct 1867.

(signed) James K. P. Dawson,

C. H. Taylor, Attorney."

- - - - - -

The judgment as recorded in Book C, page 145, of the records of the Cherokee Commission on Citizenship, is as follows:

"Mary Dawson,

Office of Commission Citizenship.

Tahlequah, Ind. Ter., Oct. 5th, 1867.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	Mary Dawson,	54	female	Bowie, Texas.	
2	Walter Dawson,	18	male		

Bouldin & P.
Applicant for
Cherokee Citizenship.

vs.

Census Rolls 1835 to 1852
Ancestor

Cherokee Nation.

- - - - - -

Office Commission on Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug 20th, 1869.

The above case having been submitted by W. P. Bouldin, attorney for claimant, without evidence, the Commission decide that Mary Dawson aged 54 years, and her son Walter Dawson aged 18 years are not of Cherokee blood. Post office Bowie Texas.

Attest:

E. C. Boudinot,
Clerk Commission.

Will P. Ross,
Chairman.
J. J. Gunter, Com."

- - - -

BY MR. MATCHETT: The Nation further introduces the original envelope in the case of Andrew J. Dawson, which said envelope contains his original application; also the judgment list of the rejected, on page 28, of Book A, of the records of the Citizenship Commission of the Cherokee Nation, which said records are now in the custody of the Commission; the judgment is dated April 20th, 1868.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced above, is endorsed as follows:

"Name, Andrew J. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Nevada, Mo. Age 44 years, - - 1835, Roll of 1835, Ancestor, - - Filed the 11 day of February 1887, Docket 37 Book A, Page 38 Testimony on Journal - - Page, Decision of Commission, REjected, 26 day of April, 1889. Rejected."

The contents of said envelope are as follows:

"To the Commission on Citizenship.

Tahlequah, I. T.,
January 27, 1887.

	Age		
Andrew J. Dawson,	44	years	Male
E. F. Dawson,	16	"	"
Olive M. Dawson,	14	"	female
William H. Dawson,	11	"	Male
Jessy K. Dawson,	9	"	"
Glennie D. Dawson,	8	"	female.

V.S.
Cherokee Nation.

Know comes Andrew J. Dawson, and five children claiming his right to Cherokee Citizenship by [illegible] his Cherokee blood, he being a cousin of E. Dawson [illegible] the same name admitted to Citizenship by the Tom Tehee Council on Citizenship, which is a matter of record, we submit that as proof of the Justness of his claim, his ancestors will be found on the roll of 1835.

Respectfully,

Post-office, (signed) A. J. Dawson &
Nevada, Mo. five Children,
by C. F. Taylor,
Attorney."

" " " "

The judgment just introduced and found on page 38 of Book A, Records of Cherokee Commission on Citizenship, is as follows:

"Andrew J. Dawson,
Office Commission Citizenship,
Tahlequah, C. N., Feby 11, 1887.

Docket No Family	Name	Age	Sex	
1	Andrew J. Dawson,	44	Male	Nevada, Mo.
2	E. F. Dawson,	16	"	
3	Olive M. Dawson,	14	female	
4	William H. Dawson,	11	Male	A [illegible]
5	Jessie K. Dawson,	9	"	Cherokee Citizen
6	Glennie D. Dawson,	8	female	Roll 1835,

Rejected April 26, 1889, (red ink.)

V.S.
Cherokee Nation.

Ancestors,

Filed Feby 11, 1897.

Adverse.

See decision in this case in that of L. R. Dawson, Book P.20.
rendered April 26- 1898.

D. S. Williams,
Clk Com.

BY MR. HUTCHINGS: We next desire to introduce the records in the case of this same Andrew J. Dawson, before the Commission to the Five Civilized Tribes, filed September 7th, 1896, and the judgment of the Commission thereon. Number of said case being 4,694. And the judgment of said case on Page 294, Book B., Dawes Commission Record, 1896. Judgment was rendered November 17th, 1896, denying the application.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The records just introduced, being those filed before Dawes Commission, 1896, in Andrew J. Dawson, et al., are as follows:

Registry Receipt,
Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind Ter., Registered Letter, No. 409, Rec'd, of A. J. Dawson, addressed to S. M. Mayes, Tahlequah, I. T., (signed) D. A. Frayser, P. M.

Commission to the Five Civilized Tribes,
Vinita, Ind. Ter., Sept. 7, 1896.

See that you swear to your petition.

Evidence of service of copies of Chief or Governor may be secured as follows: If convenient get his receipt to file with your papers. If you cannot do this, register it, and have some interested person to make affidavit in form about as follows:

I, S. M. Davidson, do solemnly swear that on the 7th of September, 1896, I saw a package registered at the Post office at Vinita, Indian Territory, addressed to Hon. S. M. Mayes, Chief of the Cherokee Nation, Tahlequah, Ind. Ter., the registry receipt no.409, received from postmaster, the same attached, is a receipt for said package, which contained true copies of the application of Andrew J. Dawson, et al., and affidavits of E. Dawson and J. M. Dawson in support thereof.

(signed) S. M. Davidson.

Subscribed and sworn to before me, on this 7th day of September, 1896.

(seal) (signed) T. M. Kennedy,

Notary Public, First Judicial Division of the Indian Territory.

Attach receipt to this affidavit and send with papers to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, as we understand that packages are not promptly receipted for by the Chiefs and Governors.

xxx

_____
For the Commission."

- - -

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:-

The undersigned, your petitioner, Andrew J. Dawson. ~~Willie H. T. Dawson Jesse K. D.~~ (Line in ink drawn through these names) for and on behalf of Minnie E. F. Dawson, Olive Maud Dawson, William H. T. Dawson, Jesse K. Dawson, Glen Dale Dawson, James K. P. Dawson, William A. Dawson, Maggie E. Dawson, Richard A. Dawson and Mary E. Dawson and heirs, this day make their application to you for the purpose being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the funds and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokees Indians by blood, deriving the same from Captain John Rogers, Polly Rogers, Daughter of Captain John Rogers, married Samuel Dawson, whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the years 1817, 1818, 1819 & 1835 & 1838 the same to be submitted to your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his proof in support of said claim, and respectfully awaits the time when his application can be heard and tried.

Respectfully submitted,
Andrew J. Dawson,

Enrollment of family, with relationship attached, as follows:

Names.	Ages.	Relationship.
Minnie E. F. Dawson,	25	Daughter,
Olive Maud Dawson,	23	daughter
William H. T. Dawson,	20	son,
Jesse K. Dawson,	19	son.
Glen Dale Dawson,	16	daughter.
James K. P. Dawson,	7	brother.
William A. Dawson,	13	Nephew.
Maggie E. Dawson,	8	Neice.
Richard A. Dawson,	17	Nephew.
Mary E. Dawson,	5	Neice.

IN WITNESS WHEREOF, I have hereunto set my hand this Thirty September 1896.

(signed) Andrew J. Dawson."

Jurat on back of foregoing:

United States of America,
Indian Territory,
Northern District.

Andrew J. Dawson, of lawful age, being duly sworn on oath says that he knows the facts set forth in the above and foregoing application and that the same are true as he verily believes.

(signed) Andrew J. Dawson,

Subscribed and sworn to before me on this the 3rd day of September 1896.

(signed) J. A. Tillotson,
Notary Public.

(Seal)
My Commission expires June 6th 1899.

- - - - -

Indian Territory,
Northern Judicial Dis- (ss.
trict

Andrew J. Dawson, of lawful age, being by me first duly sworn on oath says that he is 52 years old that his post office address is Afton, I. T. Affidavit further says that he is a citizen of the Cherokee Nation and a Cherokee Indian by blood deriving his Indian blood from Polly Rogers daughter of Captain John Rogers, and Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Hiwassee river while emigrating to the west.

Affidavit further says that Samuel Dawson and Polly Rogers his wife were father and grandmother and that Captain John Rogers was recognized by the National Council of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation of 1839 and 1840: A list of the Council of 1848 page 68, act of Nov. 17th 1841, page 96, also act of Nov. 16 1842 page 204.

A[illegible] further says that he is a blood relation of [illegible] Dawson, John A Dawson, and John Dawson who were all recognized by the Cherokee Nation and their names appear on the authenticated rolls of 1880.

(signed) Andrew J. Dawson.

Subscribed and sworn to before me this 3rd day of September 1896.

(signed) J. A. Tillotson,
Notary Public.

(Seal)
My Commission expires June 6th 1899."

"Indian Territory,
Judicial Dist. } S.S.

I, J. A. Dawson, of lawful age, being by me first duly sworn on oath says that he is 54 years old: that his post office address is Afton, Indian Territory, Affidavit further says I have known Andrew J. Dawson for the past 10 years I have known him and recognized him as a Cherokee Indian and a cousin of mine, he claims to have originated from the family of Joe Dawson and he was a brother of Robert Dawson my father, (now being an octogerin, of Sam Dawson, who married Polly Rogers, a daughter of Captain John Rogers, who was a recognized Cherokee Indian.

(Signed) F. M. his X Dawson mark

Subscribed and sworn to before me this the 4th day of Sept 1896."

(Signed) Frank L. Sharp
Notary Public. (Seal)"

- - - - - - -

"Ind Ter
Northern Dist

This affidavit made this 4th day of Sept 1896 by E. Dawson of this Dist in the Cherokee Nation I have known A. J. Dawson 10 years and have known him and recognized him as a Cherokee Ind and a cousin of mine, he claims to originate from the family of Joe Dawson and he was a brother of Robert Dawson and being an offspring of Sa. Dawson who was (line in ink drawn through word was) married Pollie Rogers a daughter of Captain John Rogers who was a recognized Cherokee Indian.

(signed) E. Dawson.

Subscribed and sworn to before me this 4th day of Sept 1896.

(signed) J. Barricklaw,
Notary Public,

My commission expires June 8, 1899.
(Seal)"

Indorsed on back: "No. 1508, A. J. Dawson vs Cherokee Nation Filed Sept 9-1896 A. S. McKennon, Com'r."

- - - - - - -

Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cahoon, A. B. Montgomery, Commissioners.

In the matter of the application of
Andrew J. Dawson, Nation's No.....
Commission's No.....
for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy.

2nd. That the application does not state facts sufficient if true, to show that the applicant . . . entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that said Dawson through whom the petitioner claims to derive right to citizenship in the Cherokee Nation, is not now, - . . and was [illegible] a citizen of the Cherokee Nation, since the [illegible] by the Indian Territory, as it [illegible] that his name does not appear on any of the [illegible] rolls of said nation; that neither he nor any of his [illegible] and resides, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

See case Nation's No. 1573.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Mayes, Principal Chief Cherokee Nation.

B. Hutchings, Hastings & Boudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matter contained in the foregoing answers are true, to the best of his knowledge and belief.

(signed) John L. Adair,

Subscribed and sworn to before me this the 5 day of Oct 1896.

(signed) D. J. Ball,
Notary Public.

(Seal)"

Indorsed as follows: "Nation's No. 4679.
Commission's No. 4694, In re application of Andrew J. Dawson, DEMURRER AND ANSWER. Filed Oct 21 M. N. Jacoway, Sec."

The foregoing documents, comprising the 1896 papers as above set forth, are inclosed in envelope indorsed:

"No. 4694, Petition of Andrew J. Dawson, and heirs, Cherokee, 9-7-96. Rejected."

Which envelope is inclosed in jacket, marked "No. 4694."

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BY MR. HUTCHINGS: Now we desire to introduce the records in the case of Joanna Barber, et als., No. 1864, the United States Court number being 90, and the Nation desires to call especial attention to the testimony of T. C. Rogers and Sarah Carter as set forth in this case.

BY MR. McKENNON: To all of which applicants object, because it is wholly irrelevant, immaterial and incompetent.

Records in said case are as follows:

blood is shown by proof here-
with filed.

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners authorized by an act of Congress of June 4, 1896, to hear and determine claims for Citizenship in the Cherokee Nation:

Gentlemen:- The undersigned, your petitioner, Joanah Barber, for and on behalf of himself and heirs, this day make this their application to you for the purpose of being placed on the revised roll of Cherokee Indians and of those entitled to

share in the distribution of funds and allotments of land in Cherokee Nation, by virtue of their Cherokee blood, and I herewith submit the affidavits of E. Dawson, S. R. Dawson, W. A. Dawson & F. M. Dawson in support of said claim, and respectfully await the time when our application shall be heard and tried.

Respectfully submitted,
(signed) Joanah Barber.

Enrollment of family, with relationship attached, as follows:

Names		Age	Relationship.
Joanah Barber,		60	Daughter of Elizabeth or Betsy
Isaac J. "	Husbd	65	Petty, ne Dawson, who was a
Onie E. "		26	daughter of Polly Dawson, nee
W. R. "		24	Rogers who was a daughter of
James E. "		18	Capt Jno Rogers and Ailey Rogers
Johny "		6	nee Vann a Cherokee Indian by
Joel A. Barber		30	blood as is shown by proof here-
			with filed.

In witness of which I hereto set my hand on this 6 day of August 1896.

(Signed) Joanah Barber."

Indorsed as follows: "Pd 2.50 No.... Petition of Joanah Barber for and on behalf of herself and heirs."

TO THE HONORABLE HENRY L. DAVIS AND OTHERS COMPOSING THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitioner, Joanah Barber, would state and show from the proof submitted to the Commission that she is a Cherokee by descent and by blood having been born in Carroll County, State of Ark. on the 3 day of Dec 1835. My fathers name was John Petty. My mothers name was Elizabeth Petty, nee Dawson. That I now reside in the Cherokee Nation, and have resided there for 10 years. And does aver those facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe. And she further avers that these facts being proved she is entitled to be adjudged under the laws of such Nation and the laws of the Congress of the United States and the treaties of such Nation with the United States, a citizen of such Nation, with all the rights, privileges and protection of Citizenship in such Nation. Wherefore she herewith respectfully submit to the consideration of the Honorable Commission such proof and on the hearing she be adjudged entitled to such citizenship and her name be placed upon the proper roll as a citizen of such Nation.

(signature) Joanah Barber.

INDIAN TERRITORY,)
(SS
FIRST JUDICIAL DIVIS)

Now on this [illegible] day of Aug personally [illegible] before me T. J. Watts a Notary Public in and for the [illegible] Territory, Joanah Barber, who being duly sworn [illegible] states that the facts set forth in the [illegible] are correct and true.

Subscribed and sworn to before me this [illegible] day of August 1896.

(Seal)* (signed) W. J. Watts,
Notary Public.

- - -

*(COPY)
In the matter of the claim of Joanah Barber nee Joanah Petty to Cherokee Indian Citizenship in the Cherokee Nation, Indian Territory.
Affidavit of S. R. Dawson.

Delaware District,)
Cherokee Nation,)
First Judicial Division,)
U.S. Court, Indian Territory. (SS
)
)
)

S. R. Dawson, to me well known to be a reliable and respectable, after being duly sworn according to law states on oath, that he is a bona-fide citizen of the Cherokee Nation by blood- that he is a resident of said Nation- that his post-office address is Afton, I. T.: that he is fifty-one years of age- that he is well acquainted with the claimant Joanah Barber and has as long as he has known her person- that she is of Cherokee Indian descent- that her maiden name was Joanah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of Polly Rogers, a person of Cherokee Indian descent, who intermarried with Samuel Dawson, a white man- that he said Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann both well known Cherokee Indians.

Affiant is not directly nor indirectly interested in the result of this application.

(Impress of National Seal) (signed) S. R. Dawson.

Subscribed & Sworn to before me Jany 6 1892
(signed) T. J. Pickard,
Notary Public."

"United States of America,
Indian Territory, (ss
First Judicial Division.

I, William T. Peters, Clerk of the Public Lands and for the Judicial Division aforesaid, do hereby certify that the next above is the affidavit and a true and literal copy of the original on file in my office at Tahlequah, Ind. Terry, this 1st day of July A.D. 1897.

(signed) William T. Peters,
Notary Public, First Judicial Division, Ind. Terry.
(Seal) My Commission expires July 2, 1897."

(* copy)

In the matter of the claim of Joanah Barber (nee Joanah Petty)

to Cherokee Indian Citizenship in the Cherokee Nation, Ind Ter.

Affidavit of E. Dawson,

Coowescoowee District,)
Cherokee Nation,)
First Judicial Division,) ss
U. S. Court, Ind. Ter.)

E. Dawson, to me well known to be reliable and responsible after being duly sworn according to law upon oath states that he is a Bonified citizen of the Cherokee Nation by blood- that he is a resident in said Nation that his post office address is Talala, Ind Ter.-that he is 58 years of age- that he is well acquainted with the claimant Joanah Barber and has been as long as he has known any person- that she is a person of Cherokee Indian descent the her maiden name was Joanah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of one Polly Rogers a person of Cherokee descent, who intermarried with Samuel Dawson, a white man, that the said Polly Rogers was the daughter of Captain John Rogers a well known Cherokee Indian.

Affiant is not directly nor indirectly interested in the result of this application.

(signed) E. Dawson.

Subscribed and sworn to before me this the 24th day of Febry 1893

(signed) A. E. Williams,
Notary Public.

(Impress of National Seal here.)
Com. Expo. Sept. 26/96.

United States of America,
Indian Territory, ss
First Judicial Division.

I, William F. Ramsis, a Notary Public within and for the First Judicial Division, Indian Territory, do hereby certify that the next above and this within one page of writing is a true and literal copy of the original presented to me at Tahlequah, Ind Ter. this 3rd day of July A.D.1893.

(signed) Wm. F. Ramsis.

(Seal) Notary Public, First Judicial Division, Indian Territory, My Commission expires Febry 7, 1897.)

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United States of America,
Western District of Ark ss.

In the case of one Joanah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian Authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William F. Ramsis, a Commissioner U. S. Court within and for the District aforesaid duly authorized to administer oaths W. A. Dawson, to me personally well known to be reputable and entitled to credit, and who being by me first duly sworn according to law, deposes and

and says: My name is W. A. Dawson, my age is 52; my post-office address Tulsa, Ind. Terry, I am a farmer by occupation, I am a citizen of the Cherokee Nation, I. T. by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: That he is personally well acquainted with the claimant, Joanah Barber- whose mother's name was Elizabeth (commonly called Betty) Petty, Dec'd nee Elizabeth Dawson, - a Cherokee Indian by blood, and she was the sister of his father; James Dawson, Dec'd, a recognized and acknowledged Cherokee Indian by blood- she was also a sister of Robert Dawson Dec'd a recognized and acknowledged Cherokee Indian by blood- said Robert Dawson having been a full brother to said James Dawson- that therefore the said claimant, Joanah Barber is his (affiant's) first cousin by Cherokee Indian blood and that he so recognizes and acknowledges her.

(signed) W. A. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Ter. this 19th day of December A.D.1894.

(signed) W. J. Rannus,
(seal) United States Commissioner."

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"UNITED STATES OF AMERICA.)
Eastern District of Arkansas.)ss

In the case of Joanah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian Commission at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William J. Rannus, a Commissioner of the U. S. Dist. Court within and for the District aforesaid duly authorized to administer oaths Francis M. Dawson, to me made personally well known to be reputable and entitled to - - and who - - duly sworn according to law deposes and says: My name is Francis M. Dawson my age is over 57 years, my post-office address is Afton, Ind. Ter., I am a farmer by occupation, I am a citizen of the Cherokee Nation, by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: I am personally well acquainted with the claimant Joanah Barber, whose mother's name was Elizabeth (commonly called "Betty") Petty, nee Elizabeth Dawson, a Cherokee Indian by blood, said Elizabeth Petty was a full sister to my father Robert Dawson Dec'd, a Cherokee Indian by blood- and I acknowledge the relationship by Cherokee Indian blood of Joanah Barber to me as first cousin- and I know that Joanah Barber therefore is of Cherokee Indian blood.

(signed) F. M. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Ter. this 17th day of November A.D.1893.

(seal) (signed) W. J. Rannus, United States Commissioner.

Indorsed on back as follows: "No. 1 Filed Nov 21 1 7, Jas. A. Pinston, Clerk."

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"Page 2., Docket "B"

Joannah Barber.

Office Commission on Citizenship,

Tahlequah, C. N. August, 1887.

Docket. No.	Names	Age.	Sex.	Post Office.	Attn.
1	Joannah Barber	51	female	Vinita, I. T.	
2	Ailey J. Barber	14	female		
3	Irena Barber	24	female		
4	Erma Barber	22	female		
5	Atta Barber	20	female		
6	Mary Barber	17	female	applicant for	
7	Onios Barber	17	female	Cherokee Citizenship	
8	Joel Barber	31	male	Rolls 1835	
9	Calaway Barber	27	male		
10	Toliver Barber	26	male	Ancestor	
11	Riley Barber	15	male		
12	Edgar Barber	9	male		
	V.S.			John Rogers &	
	Filed Aug. 12, 1887.			Alex Pruett	

See decision this case in that of L. R. Dawson, adverse to claimant in this Book page 20.
This April 26th, 1889.

D. S. Williams, Clerk com.

Will. P. Ross, Chairman,
J. E. Carter, Com."

- - - -

"S. E. Dawson.

Office Commission on Citizenship,

Tahlequah, C. N. Aug. 11th, 1887.

Docket. No.	Names.	Age.	Sex.	Post Office.	Attn.
1	S. E. Dawson,	60		Catoosa, I. T.	
2	Parlee Dawson,	44	female		
3	America J. Dawson,	35	female		
4	Katherine J. "	35	female		
5	J. C. Dawson,	31	male		
6	Elias F. Dawson,	29	male		
7	Toliver Dawson,	27	male	Applicant for	
8	Erma Dawson,	20	female	Cherokee	
9	Fanny Dawson,	16	female	Nation	
10	John Riley Dawson	11	male		
11	Robt. E. Dawson,	9	male		
12	Clara Dawson,	7	female		
13	Cleveland Dawson	5		Ancestor	
	Filed Aug. 11, 1887.			John Rogers.	
	Rejected April 26, 1889.				

Now this day comes the above [illegible] for final [illegible], Samuel E. Dawson bases his application for [illegible] Citizenship in the Cherokee Nation upon [illegible] last born of Samuel Dawson, a white man, Polly [illegible], daughter of Captain John Rogers, [illegible] Pruett and by [illegible] mother of Joseph Vann and [illegible] was of Cherokee blood. It is admitted [illegible]

Chilsey Proctt died before the roll upon which their name would appear is living at the time, and specified in the 7th Section of the Act of December 8th, 1886, creating the Commission on Citizenship were made, but in support of the application it is urged that certain members of the Dawson family the full brothers of the applicant be admitted to citizenship by the Commission on Citizenship commonly known as the "Tobee Court" and "Spears Court" and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerat ons which determined the decisions of those Commissions or the territory now introduced to authorize the admission of the present applicant is not novelent in the issue now pending. The 7th Section of the Act of December 8th, 1886, before mentioned provides that the Commission hearing to any person applying for citizenship in the Cherokee Nation upon the grounds of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States, hereinafter enumerated, neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls, the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission of citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Joannah Barber, nee Joannah Dawson, and Jane Queen, nee Jane Dawson and their families as enumerated in their respective applications.

Wm. P. Ross, Chairman,
F. Bunch, Commissioner,
John E. Gunter, Commissioner.

This April 26th, 1889,
D. S. Williams, Clerk Com."

- - - - - - -

United States of America,)
Indian Territory, (ss.
Northern District.)

W. C. Rogers being duly sworn on oath deposes and says: that he is a citizen and resident of the Cherokee Nation, Indian Territory. That his post-office address is Ski-at-o-k, Ind. Ter. that he was born and raised in the above named Nation and Territory; that he is 46 years of age:

Affiant further states that he is slightly acquainted with Irena J. House, an applicant for admission to citizenship in the Cherokee Nation as shown by copy of her application.

Affiant further states that his father's name was Charlie Rogers- who was a son of Captain John Rogers and the said Capt. John Rogers was the only man of that name that ever lived in the Cherokee Nation that this affiant ever heard of; that the said Capt. John Rogers this affiants grandfather lived at Grand Saline, I. T. and died in Washington, D. C.

This affiant states that his father Charlie Rogers had four full brothers viz. Cynthia Rogers, Lewis Rogers, George Rogers, Nelson Rogers, Grandville Rogers and Randolph Rogers; that he (this affiant) was well and personally acquainted with the above said parties- except Grandville and Randolph Rogers, who were killed when this affiant was quite young.

This affiant at the date he was 34 years of age, when his father, Charlie Rogers died, that his father never had any other family (line in ink or in typewritten word family) brothers or sisters than the one above mentioned; that the said Polly Rogers named in the application for citizenship of Irene J. House, was not a sister of his fathers; that his father never had but one sister viz. Cynthia Rogers that this affiant ever heard of; that this affiant was well acquainted with his aunt Cynthia Crump-"

Just here the following is inserted on separate paper:

"EXECUTIVE DEPARTMENT OF
CHEROKEE NATION. I, John L. Adair, Executive Secretary of the Cherokee Nation, do hereby certify that I have compared the foregoing with the original record in this Department, and that the same are correct copies and transcripts therefrom.

In witness whereof I have hereunto set my hand and affixed the Great Seal of said Cherokee Nation, at Tahlequah, this, the 5th day of Feb. 1896.

(Seal) (signed) John L. Adair,
Executive Secretary."

Then the above affidavit continues:

"(nee) Rogers that she lived with this affiant's father for a number of years prior to here do th.

Affiant states that he has often talked with his father, Charlie Rogers and his aunt Cynthia Crump (nee Rogers) about his relatives; that they never spoke of any other sister in their family; that this affiant was about 30 years of age when his aunt, Cynthia Crump died; that they told him there never was (words "never was" marked over with ink) father never had any other daughter or daughter other than Cynthia Rogers

Affiant states that his father told him a number of times, that this affiants grandfather Capt John Rogers never had any other family other than the one above mentioned; that this affiant never heard his father Charlie Rogers or any of his relatives speak of his grandfather Capt John Rogers owning, or running a boat up any river.

Affiant states his father Charlie Rogers was born on Big Mulberry, South-east of Van Buren, Arkansas, in the year of 1817.

Further affiant saith not.

[illegible] Rogers.

Subscribed and sworn to before me on this the first day of October, 1896.

(signed) William H. Hall,
Notary Public,
(seal) My Commission expires January 16th, 1900."

"United States of America,)
Indian Territory, (ss
Northern District.)

[illegible] Sand Carter being first duly sworn states; that she is a citizen and resident of the Cherokee Nation, Ind. Ter. and her post office address is Tahlequah, I. T., that she is 65 years of age.

Affiant states that she is the daughter of Charlie Rogers; that her grand father on her father's side was Capt John Rogers. Affiant further states that W. C. Rogers is her brother, and that she has read the foregoing affidavit of W. C. Rogers, and knows the contents thereof; that the facts therein set forth are true as she verily believes.

(signed) Sarah Carter.

Subscribed and sworn to before me this the first day of October, 1896.

William M. Hall,
Notary Public.

My Commission expires January 16th 1900.
(seal)

- - - - -

Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. [illegible] (name torn off) A. B. Montgomery, Commissioners.

In the matter of the application of Nation's No. 1573
Joanah Barber Commission's No.
et al-
for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st, That the Commission has not jurisdiction over the parties or subject matter of this controversy, and not legal right, therefor, to hear and determine the same.

2nd. That the application does not state facts sufficient, if true, to show that the applicants are entitled to citizenship.

Respondent not waiving the aforesaid demurrer, but insisting upon the same for answer to said application, says that John Rogers through whom the petitioners claim to derive their right to citizenship in the Cherokee Nation, is not now, and never has been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory as at present located and defined; that his name does not appear upon any of the authenticated rolls of said Nation; that neither they nor any of their ancestors now residing or have resided in the Cherokee Nation and Indian Territory, are citizens thereof.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Mayes, Principal Chief Cherokee Nation.

Mansfield, Hastings & Bradford, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matter contained in the foregoing answer are true, to the best of his knowledge & belief.

(signed) John L. Adair,

Subscribed and sworn to before me this the 3rd day of Oct, 1896.

(seal)

(signed) W. J. [illegible],
Notary Public."

Indorsed on back as follows: " 1874 90 [illegible] U. S. 1877, Commission's No..... In the application of No 2 Joanna Barber Demurrer and Answer Filed Mar 13 1897 Jos. A. Winston, Clerk/ Filed Oct 7 1898 T. M. Broomey, Secy."

"BRIEF.

BEFORE THE HONORABLE COMMISSION OF THE UNITED STATES OF AMERICA,

duly appointed and empowered to Act, under and by virtue of the Act of Congress of June 4th 1898, to hear and determine all claims for citizenship in the five Civilized Tribes of Indians, to-wit:
Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians.

In the matter of the application for citizenship in the Cherokee Nation, of Joanna Barber and her children, to-wit:

Chas F. Barber, William L. Barber, James E. Barber, John M. Barber and Joel A. Barber.

In the matter of the application for citizenship in the Cherokee Nation of Joel A. Barber and his children, to-wit: Mattie Barber, Oliver Barber, George A. Barber, Frankie C. Barber, Jessie Barber and Ethel Barber.

In the matter of the application for Citizenship in the Cherokee Nation of Mary A. Boner a minor child, to-wit: Inez Boner.

In the matter of the application for citizenship in the Cherokee Nation of Ella L. Murphy and her child, to-wit: Claude M. Murphy.

In the matter of the application for Citizenship in the Cherokee Nation of Ella L. Moore and her children, to-wit: Anna J. Moore, Jackson D. Moore, Rhoby Moore and Gladys Moore.

In the matter of the application for Citizenship in the Cherokee Nation of Addie L. Hunt and her child, to-wit: Dorman Hunt.

In the matter of the application for Citizenship in the Cherokee Nation of Alsey J. Smart and her children, to-wit: Georgia A. Smart and Mary E. Smart.

In the matter of the application for Citizenship in the Cherokee Nation of Jonnah J. Garlinghouse and her children, to-wit: Myrtle G. Garlinghouse, Cora L. Garlinghouse and Birtha E. Garlinghouse.

In order that the Honorable Commission may clearly and fully understand the proof and merits of the claim of the aforesaid Claimants, we deem it necessary to present to the Honorable Commission, the genealogy of each of said [illegible], to-wit:

Joanna Barber, whose maiden name was Joanna Polly, [illegible] daughter of Elizabeth Polly, nee Dawson and a granddaughter of Polly Dawson, nee Rogers and a great granddaughter of Colonel John Rogers, who was a Cherokee Indian by blood and a member of the Tribe of herein mentioned,

Joel A. Barber, is a son of Joanna Barber, nee Petty and grand son of Elizabeth Petty, nee Dawson a great great grand son of Polly Dawson nee Rogers and a great great grand son of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted. Mary A. Boyer, whose maiden name was Mary A. Barber, is a daughter of Joanna Barber and grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the proof herein submitted.

E. a Murray, whose maiden name was E. a Barber, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson nee Rogers and a great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the proof herein submitted.

E. a Moore, whose maiden name was E. a Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof.

Attie L. Hunt, whose maiden name was Attie L. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Alcey J. Smart, whose maiden name was Alcey J. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson, and a great great grand daughter of Polly Dawson, nee Rogers, and a great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joanna J. Carlin Louise, whose maiden name was Joanna J. Smart, is a daughter of Alcey J. Smart, nee Barber, and a granddaughter of Joanna Barber, nee Petty and a great great granddaughter of Elizabeth Petty, nee Dawson and a great great great granddaughter of Polly Dawson, nee Rogers, and a great great great granddaughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Therefore, the Claimants pray this Honorable Court that after a careful examination of their application and a judicial investigation of the proof herein submitted, that you will adjudge each of said Claimants, as to their above mentioned Children, entitled to citizenship in the Cherokee Nation, and that you place the name of each Claimant, together with the names of their above mentioned Children, on the Cherokee Roll, and that they be given all the rights, privileges and immunities of citizens of the said Cherokee Nation.

(signed) Rubottom, Carl and Bates,
Counsel for Petitioners.

Indorsed on back as follows: "No 3 Filed Feb 24 1897, Jas. A. Finston, Clerk."

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Commissioners,
Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss, Alexander B. Montgomery--H. H. Jacoway, Secretary.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,
Vinita, Indian Territory, Oct 2 , 1896.

Joanna Barber, Filed Sept. 3, Answer filed,
vs. Application denied.
Cherokee Nation,

I, H. H. Jacoway, Jr., Secretary, do hereby certify that the above and foregoing is a true and correct copy of Cherokee Record A. page 297 of the Commission to the Five Civilized Tribes.

Given under my hand and official signature this 24 day of Feb. 1897.

H. H. Jacoway, Jr.,
Secretary."

Indorsed as follows: "1864 No. 4 Filed Feb 24 1897 Jas. A. Finston, Clerk."

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"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Joanna Barber et al,
vs.
Cherokee Nation. No.1864.

AFFIDAVIT FOR APPEAL.

Now come the said Joanna Barber et al applicants for citizenship in the case by F. B. Watts, one of their attorneys, and pray an appeal from the decision of the Honorable Commission to the United States District Court as provided by the Act of Congress approved June 10th, 1896.

And the said F. B. Watts, being duly sworn, deposes and says on behalf of said applicants that the appeal prayed for in this case is not asked for the purpose of delay but that justice may be done the appellants.

(Signed) F. B. Watts,

Subscribed and sworn to before me this 22nd day of December 1896. (Signed) J. C. Lindsey,
(SEAL) Notary Public.
My Commission expires March 4th 1897."

Indorsed: "Court 90."

"Received of H. F. Macomey, Jr., Secretary of the Commission to the Five Civilized Tribes, the original papers, in the case of - - - - vs - - - - Nation, as follows:

/ / / / / / /

Witness my hand and official seal at Muskogee this the 20 day of Feby 1897.
(SEAL) (signed) J. Q. Winston, Clk."

Indorsed: "Court # 90 No.1864. receipt for original papers in the case of Joanna Barber et al vs. Cherokee Nation. Received and filed this . . . day of . . . 189. . . Secretary."

- - - - - - - - -

"IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY, NORTHERN JUDICIAL DIVISION, AT MUSKOGEE, IND. T'R.

Joanna Barber Onie E. Barber, William R. Barber, James F. Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Edna Moore, Attie L. Hunt, Alcey J. Swart, APPELLANTS.
VS
CHEROKEE NATION. APPELLEE.

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Come now the appellants in the above entitled cause and petition the Court to grant an appeal in said cause from a decision of the Commission, known as the Dawes Commission, created and empowered to treat with the Five Civilized Tribes of Indians, to-wit; the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Indians, and to pass upon and decide applications for citizenship in the said Five Civilized Tribes, which decision by said Commission was rendered by authority of, but not in accordance with, an Act of Congress passed and approved June 10th, 1896, and by which decision on the 29 day of October, 1896 the aforesaid appellants were denied their rights to citizenship in the Cherokee Nation, Indian Territory.

The facts relied upon by the appellants to establish their rights to citizenship in the Cherokee Nation, as aforesaid are as follows: to-wit: The affidavits of E. Dawson, S. H. Dawson T. A. Dawson, F. M. Dawson.

Said affidavits fully and conclusively establish the fact that said applicants are Cherokee Indians, by blood and descent, and entitled to rights of citizenship in the Cherokee Nation.

Said affidavits, together with the application, of said appellants, were, prior to September the 10th, 1896, filed with and submitted to said Commission for its investigation, consideration and decision.

That a certified copy of said application, together with the accompanying affidavits, were served upon the Chief, or Attorney General, of said Cherokee Nation, prior to September the 10th, 1896.

The errors of the Commission in rejecting the claims for citizenship of said appellants are the grounds for appeal to this Court, to-wit:

FIRST. The Commission erred in rendering its decision on said claims adversely to the applicants and against the proof submitted by said applicants.

SECOND. The Commission erred in investigating said claims of appellants and denying same [illegible] absence of a majority of the members of the Commission.

THIRD. The Commission erred in refusing the appellants the right and privilege of examining the proof submitted by appellee in support of the answers filed by the appellee and denying the appellants the right of filing application to appellee's answer or producing proof in rebuttal of the same.

FOURTH. The Commission erred in denying the appellants the right of a trial of their claims by a competent [illegible] granted to them by the laws and constitution of the United States.

FIFTH. The Commission erred in refusing appellants the right to be present in person, or by attorney, during the trial and determination of their claims before said Commission.

SIXTH. The Commission erred in refusing to issue process for witnesses and to send for persons and papers as requested to do so by the appellants.

SEVENTH. The Commission erred in deciding against the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in deciding against them, holding that blood was not a test of the right of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the question of residence, holding that residence in the Cherokee Nation was not a test of the right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their docket or record the grounds upon which the claims of appellants were denied and refusing to notify appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims and deny the same.

TWELFTH. That the act of Congress approved June the 10th, 1896, was unconstitutional and had no power or legal right to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

THIRTEENTH. That Congress had no power by enactment to create, appoint and empower a judiciary, and said Commission erred in denying the claims of said appellants without any legal authority to do so.

Therefore, the appellants of this case pray that an appeal be granted to this Court and that same, if proven, be granted the appellants, and that each and either party be permitted to introduce new testimony, and that an order [illegible] said Commission to send a [illegible] filed before it in this cause to this Court, [illegible] Cherokee Nation, the [illegible]

at this Court will plead and defend against the appeal and show why the appellants should not by the rules, orders and decisions of this Court be adjudged entitled to citizenship in the said Cherokee Nation, and the appellants will ever pray.

(signed)

W. B. Watts,
A. H. Garland,
W. J. Watts,
Attorneys for Appellants."

Indorsed on back: "Cherokee Citizenship Case, No. 90 No Jeanna Barber et al vs Cherokee Nation Filed Dec 23 1896 Jas A Winston clerk Watts, Garland & Watts, Attorneys for Appellants."

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"SUMMONS.

90 NGW
United States of America,)
Indian Territory, (ss.
Northern District.)

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the Northern District, Indian Territory:

You are commanded to summon the Principal Chief of the Cherokee Nation, or the Attorney General of said Nation, to answer on the first day of next May term of the United States Court for the Northern District, Indian Territory, at Muskogee, Indian Territory, being the 4th day of May, 1897, A.D. 189-- a petition praying an appeal from the decision of the Commission to the Five Civilized Tribes duly filed in said Court by Jeanna Barber, Ollie E. Barber, Wm R Barber, Jas E Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Emma Moore, Attie L. Haney, Alsey J. Smart, who claim to be entitled to be enrolled as citizens of said Nation, to the United States Court for the Northern District, Indian Territory, which petition is now pending in said Court, and warn him upon a failure to answer petition within thirty days from the time of the service of this writ, the same will be taken for confessed, and you will make due return of this summons within ten days after the actual service of this writ.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, this 24th day of Dec. 1896 A.D.189--

(signed) J. A. Winston, Clerk.

(SEAL)"

"MARSHAL'S RETURN.

I received this summons on the 28th day of December A.D. 1896 and served the same as follows: W. T. Hutchings, Attorney for Cherokee Nation Interpreter Accepted Service of the within Summons, December 28 1896

January 1897

(signed) [illegible]

[illegible]

By [illegible] Deputy."

Indorsed on back as follows: "Citizenship Case No. 30 No. 6,. Nation... Survey.... Atoka Co. Chickasaw."

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"Joanna Barber et al.
vs. No.30.
Cherokee Nation.

Mr. W. A. Gibson, Special Master, to whom this cause was referred, submits the following report:

'IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,
NORTHERN DISTRICT, AT MUSKOGEE.

JOANNA BARBER ET AL)
)
-VS)- : REPORT OF SPECIAL MASTER.
)
THE CHEROKEE NATION.)

----------oOo----------

I, W. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings herein, which is hereto attached and made a part hereof, and that I find as follows:

I

This this cause was instituted on September 9th, 1896, before the Dawes Commission to the Five Civilized Tribes, by Joanah Barber, And Isaac J. Barber, her husband, and their Children, Onie E., Gillie R., James E., Johnnie and Joel A. Barber. That Joel A. Barber has the following children, Hattie Toliver, George A., Frankie C., Jesse and Ethel Barber. That the application includes also Mary A. Berry and her child Inez Berry, Emma L. Murphy and her child Claud Murphy, Ella Moore and her children Anna J., Jackson D., Mary M. Gladys, Attie L. Hunt and her child Norman Hunt, Albert J. Swart and her children Georgia A. and Ezzey M. Swart, Joanna J. Garlinghouse and her children Lyrtle O., Corn L. and Bertha M. Garlinghouse. That this application was by the Commission tried and rejected on October 20th, 1896, with no reasons given for the decision, and that subsequently on December 8th, 1896, the claimants appealed to this Court. That the parties all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be admitted to citizenship in the Cherokee Nation by reason of their descent from Polly Rogers, who is claimed to be a Cherokee Indian by blood. That there is filed in support of their application the affidavits of S. R. Dawson, E. Dawson, Francis A. Dawson, and W. A. Dawson, who testify that Joanna Barber is the daughter of Elizabeth Reavy, nee Dawson, who was the daughter of Polly Rogers, who was a full blood Cherokee Indian woman by the name of Polly Rogers, and that Polly Rogers was the daughter of Certain John Rogers of Alabama. That these witnesses are all Cherokee citizens by blood, as is also the

claimants, and according to their testimony, related to them by blood.

The appellee introduces to controvert this testimony the decision of the Cherokee Commission on Citizenship, rendered in the year 1907, in which these claimants were rejected by this Commission and also the affidavits of W. C. Rogers a grandson of Captain John Rogers, and Mrs. Sarah Carter, a granddaughter of Captain John Rogers, both of whom state that they never heard of any daughter of said Captain John Rogers by the name of Polly Rogers, and that Cynthia Rogers was his only daughter.

III

The claimants contend that they are residents of the Cherokee Nation, and are relatives of the Dawson family, who are recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal West: that his name does not appear on the rolls of the Cherokee Nation, and that he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

The premises considered, in view of the unsettled condition of affairs in the Cherokee Nation at the time when Captain John Rogers, the ancestors through whom these claimants trace their Cherokee blood, lived, and especially in view of the absence of a marriage law and of records pertaining to marriage, I am of the opinion that these claimants have proved that they are descended from Capt. John Rogers, who resided in the Cherokee Nation, and was a recognized citizen, though they do not show that he was ever enrolled as such, and I therefore find that the claimants are all residents of the Cherokee Nation, Indian Territory, and that they are all Cherokee Indians by blood. That they have resided in the Cherokee Nation since 1867, and probably longer, but the proof does not state definitely how long they have so resided.

I ask that the Court allow me a reasonable fee for my services here in as Special Master.

Respectfully submitted this 16 day of August, 1907.

(Signed) H. A. Gibson,
SPECIAL MASTER.

[illegible] be paid.

"No Exceptions filed."

BY THE COURT.

From this report it appears that the claimants base their right to be enrolled as citizens of the Cherokee Nation upon the grounds that they are the descendants of a Cherokee Indian by blood, but their ancestors through whom they claim have never resided in the Cherokee Nation as now constituted. It appears that they have resided in the Cherokee Nation since 1867, and probably longer, but the proof does not state definitely how long they have so resided. It does not appear that they or any of their ancestors have ever been enrolled as citizens of the Cherokee Nation.

The jurisdiction of the United States Court in matters pertaining to the [illegible]

to be enrolled as citizens of the Cherokee Nation is denied."

Indorsed on back: "90 No.7 Joanna Barber et al vs Cherokee Nation, Final Report of Special Master, Filed August 17, 1897, Jas A. Winston, Clerk."

Foregoing papers in Joanna Barber case enclosed in jacket indorsed: "90 Joanna Barber et Vs Cherokee Nation."

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"NOTICE.

90

UNITED STATES OF AMERICA)
INDIAN TERRITORY (SS
NORTHERN DISTRICT.)

In the United States Court for said District.
In the Matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation.

To the Commission to the Five Civilized Tribes.

You are hereby notified that an appeal has been taken in the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said Court to transmit at the earliest time practicable to said Court, at Muskogee, Indian Territory, a transcript of all the entries made in the docket of your tribunal relating to the case, together with the depositions and testimony taken before said tribunal: the decision thereof on the application, and all original papers relating thereto.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 28 day of Dec. 1898. A.D. 189--.

(SEAL) (signed) J. A. Winston, Clerk."

Indorsed: "No. 1864 Joanna Barber et al vs Cherokee Nation, APPEAL ORDER OF U. S. COURT."

Foregoing paper enclosed in jacket marked: "No. 1864."

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BY MR. HUTCHINGS:

We now introduce the original record in the citizenship case of Irene J. House, et al., before the Commission in 1896, the court number of same being 330, said case being denied by the Commission; appealed to the United States Court, and the decision of the Commission affirmed.

In this case we desire to call especial attention to the certified copy filed therein of the testimony of Arthur Baker, the certified copy having been made in 1894, being the testimony of Dr. Baker in the case of Robert Dawson against the nation, number 108, before the Citizenship Commission, and which was made January 19, 1895.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The papers in Court No. 238, just introduced above, are as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19, 1882.

No. 108.
Robert Dawson et al) Exhibit C.
vs (
Cherokee Nation.)

Testimony for Claimants.

Witness, Dr. Arthur Baker sworn testifies as follows:

My name is Arthur A. Baker I reside at Berryvill Arkansas Carroll County my age is 77 years I am not a Cherokee. I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carrolls County more 35 years - At my Fathers house near Calhoun I became acquainted with the claimants Robt Dawson grandfather on Mother's side she was frequently at my fathers house though she Anna Pruet lived in the Nation side; She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee, the first time she brought the claimants mother to my fathers house she the Fathers Mother was about grown when I was a little boy. She called her daughter Polly Rogers, Said Captain John Rogers who ran a Boat up the River was the Father of the child; I saw the girl frequently there at my fathers and there at Louis Ramsas Store.

I saw her occasionally until I was 15 or 16 years of old and I think then Old Capt. John Rogers took her off to school, I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson, I stayed all night there and we and I had a talk over our old matters and I asked her where she became acquainted with Dawson and she said at the time she was going to school and she said after she left school that Dawson followed her home, to the Nation and they were there Married. I have told that precisely in the words that she used, Capt John Rogers claimed to be one fourth Cherokee. The claimant is the son of Polly Rogers, and I know Polly Rogers to be the daughter of Anna Pruett and I know the claimant to be the son of Polly Dawson.

Capt. Rogers then reside in the Cherokee Country about twenty (Word "twenty" marked through) twelve miles below Calhoun on the Hiwassee River Anna Pruett reside in the Cherokee Nation as long as I stayed there the Dawsons I got acquainted with them Arkansas were recognized as they were as Cherokees. Robert Dawson children is Buck, John, Marian and two girls, The children named in the petition I recognized as being the claimants.

Question by Solicitor:

No. 1 How many children did Polly Rogers have?
Ans. 1 Five I ....t's all.
No. 2 Did you say she married ..... one husband twice?
Ans. 2 The ..al ... married twice.
No. 3 Could Anna Pruet speak Cherokee?
Ans. 3 Yes, she could speak it well.

Ques 4 Did Polly Rogers speak Cherokee?
Ans. 4 She did when a a was young.
Ques 5 How far did you live from A ja Pruet?
Ans 5 Just across the riva about 3/4 of a mile.
Ques 6 Was Calhoun in the Cherokee Nation?
Ans. 6 It was on both sides of the river part in the Nation and part out in the state.
Ques 7 Which Hannage was it went to Texas?
7 George went first, then John went, they were the sons of old man Hannage, that lived up near the line.
Ques 8 Did the Claimant go to Texas?
Ans. 8 No the Claimant did not go to Texas.
9 What connection was claimant and Polly Rogers?
9 The Claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.
10 Where does claimant now live?
10 He lives in Carroll Co Arkansas.
11 Do you know what relation old Capt John Rogers was to Charles Rogers here in Cooweescoowee?
11 They claimed him but what kin I dont know there were two Capt John Rogers in the Nation I m speaking of the time when I first come to this country about the year 1830.
12 Was Anna Pruet the maiden name of claimants grandmother
12 Yes that was her maden name the Indian called her Sinee

his
(signed) Arthur x Baker
mark

Witness hand paralyzed is the reason why he signed by a mark this x

I R T Hanks Assistant Executive Secretary do hereby certify that the foregoing document is a true and correct of the riginal as appears of record in the Executive Department of the Cherokee Nation.

Given under my hand and the seal of the Cherokee Nation on this the 5th day of December 1894.

(signed) R. T. Hanks,
(seal) Asst Exec Sec. "

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"To the Honorable the Dawes Commission on Citizenship in the Five Civilized Tribes in the Indian Territory:

Your petitioner, Irene J. House, undersigned, respectfully states that she is a Cherokee Indian by blood, as asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That she derives her said Indian blood from Joan ah Barber her mother, who is a Cherokee Indian by blood The said Joanna Barber being a daughter of Elizabeth Petty who was the daughter of Polly Rogers and Samuel Dawson, the said Polly Rogers being the daughter of Captain John Rogers and Anna (alew Vann) Pruet, Cherokee Indians, as shown by a certified copy of the affidavit of Dr. Arthur A. Baker, which is hereto attached as Exhibit A also affidavits marked exhibits B- C- D- and E.

Your petitioner states the above facts as the lawful grounds for her application for citizenship in the Cherokee

Nation, and prays that her claim may be fully investigated by your Honorable Commission and that she be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 34 years. My Post Office address is Talala, Ind. Ter. My family consists of the following named persons: My husband and children as follows:
W. J. House, aged 34 years; Chas. C. House, aged 9 years; Vinson T. House, aged 8 years, Anny V. House, aged 5 years.

WITNESS my hand this 19 day of August 1896.
(signed) Irene J. House.

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Northern Judicial
District, Ind. Ter. SS.

Personally appeared before me, the undersigned authority, Irene J. House, to me known to be the petitioner in the above petition, who being by me first duly sworn upon her oath says that she is the petitioner in the above petition, that she has read (or heard read) the said petition and that the facts stated therein are true, as she verily believes.
(signed) Irene J. House.
Subscribed and sworn to before me at Talala, Ind. Ter. this 19 day of August A.D.1896.
(signed) J. Barrickla ,
Notary Public, My commission expires
(seal) June 3 1899."

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"Exhibit A.
Northern Judicial Division,
Indian Territory.
Jonnah Barber being duly sworn according to law, on oath states my name is Jonnah Barber I am 61 sixty one years old My Post office address is Watova Ind Ter- My husband occupation is farmer I am a Cherokee in Coowescoowe Dist I am a Cherokee Indian by blood my mother being Elizabeth Petty (nee Dawson) daughter of Samuel Dawson and Polly Dawson (nee Rogers) and said Polly Rogers is a daughter of Capt Rogers and Ann Vann (commonly called Alsey Vann) the following Irene J. House is my daughter; she was born in Williamson County, Texas May 13th 1867, moved with her husband children to the Indian Terry and settled near Talala I Terry
(signed) Jonnah Barber
Subscribed and sworn to before me this 19 day of Aug. .
(signed) J. Barrickla,
Notary Public, My commission expires
(seal) June 3 1899

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"EXHIBIT B.

Indian Territory,
Northern Judicial District ss.
J. . Dawson being duly sw[illegible]
deposes and says:

My name is F. M. Dawson; I am 54 years of age; my post office address is Afton Indian Territory I am a farmer by occupation and reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my grandmother whose maiden name was Polly Rogers through my father Robert Dawson, my grandmother Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee. My grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1832 and settled in Western Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory. Robert Dawson, the father of the affiant was also a recognized citizen of the present Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson father of this affiant and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of said Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers The said Elizabeth Petty was the mother Of Joanna Barber who is a full cousin by blood of this affiant in the Indian side. The said Joanna Barber is the mother of Irene J. House nee Barber who is a second cousin of this affiant in the Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and drew their per capita money all the last payment; said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, derives her Indian blood and right.

This statement I have made to John H. Koogler, a Notary Public at Muskogee Indian Territory and it has been written down by him at my dictation. Such part of this testimony which refers to matters occuring previous to my recol ection I know by means of family history and traditions which facts I have always been taught and told of by my parents and grand parents from childhood up, th facts stated as occuring since my childhood I know of my personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irene J. House for citizenship in the Cherokee Nation.

(Signed) F. M. Dawson."

"Indian Territory,
Northern District.

I John H. Koogler, hereby certify that the annexed and foregoing statement [illegible] affidavit was dictated to me by F. M. Dawson and was subscribed and sworn to by him and was written by me from his oral statement at my office in Muskogee Indian Territory this 14 day of August 1896, and I further certify that the said F. M. Dawson is personally known to me and that he is a creditable person and entitled to belief.

(seal) (Signed) John H. Koogler,
Notary Public."

Northern Judicial District,
Indian Territory. EXHIBIT D.

E. Dawson, being duly sworn according to law on oath states: My name is E. Dawson; I am 61 years old; my post office address is Talala, Ind. Ter. I am a Farmer by Occupation, and reside in Cooweescoowee District- Cherokee Nation. I am a recognized Cherokee Indian by blood, and exercise all the rights and immunities of a Cherokee Citizen now living in the present Cherokee Nation. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my Grandmother Polly Rogers through my father, Robert Dawson. My grandmother Polly Rogers was a Cherokee Indian and was married to my grandfather Samuel Dawson in the old Cherokee Nation in Tennessee. My Grand Parents, Samuel Dawson and his wife Polly Dawson whose maiden name was Polley Rogers came West from the Old Cherokee Country in about the year 1830, and settled in Western Arkansas, and later came on to the Cherokee Nation. My father Robert Dawson was a recognized member of the Cherokee Nation when he died, by reason of his Cherokee Indian blood.

The said Robert Dawson, the father of this affiant, and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of the said Samuel Dawson and Polly Dawson his wife she being the same Polly Rogers as aforesaid. The said Elizabeth Petty was the mother of Joanah Barber who is a full cousin by blood of this affiant on the Indian side, the said Joanah Barber is the mother of Irena J. House, whose maiden name was Irena J. Barber and a second cousin of this affiant on the Cherokee Indian side. This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians of the present Cherokee Nation and exercise all the rights and privileges of such Cherokee citizens, they having drawn their shares of the Strip Money at the last per capita payment made by the Cherokee Nation.

Said citizens and relatives derived their Cherokee Indian blood from the same source, as did the above named Irena J. House.

I have made this statement before J. Barrickman, Notary Public at Talala, Ind. Ter, and affiant further states that he has no personal interest in the prosecution of the claim for citizenship in the Cherokee Nation of the said Irena J. House.

That the above facts which are within the personal knowledge of the affiant or within his years of discretion he knows personally, and the other facts which occured before the recollection of affiant he testifies to as that he has been taught from his family history and traditions.

That the relationship existing among all his relatives in the Cherokee Nation he knows from his personal knowledge and that they are related to the Cherokee Indian side.

(signed) E. Dawson.

Subscribed and sworn to before me this the [illegible] day of [illegible] 1896

(signed) J. [illegible],

Notary Public, My Commission [illegible].
(seal).

"Cherokee Nation,
Coowescoowee District. EXHIBIT E.

Before me the undersigned authority this day, personally appeared W. A. Dawson who is to me well and personally acquainted, and after being duly Sworen: deposeth and says, that he is well acquainted with Irena J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of Joana Barber, who is a neice of Robt. & James Dawson, who are both Cherokee Indians and recognized citizens of the Cherokee Nation.

Affiant further states that Irena House is the grand daughter of Mrs. Petty, who was a full sister of Robt & James Dawson.

Affiant further says that he knows that Irena House is a lineal descendant of Annie Dawson whose ~~children~~ (line drawn through word "children") sons, Robt & James before spoken are recognized citizens.

Affiant further says he has no interest in this suit.

(signed) W. A. Dawson.

Sworn and subscribed to before me this 17 day of August 1896.

(signed) William Lynch
Notary Public.

(Seal) My term expires Feb 6 1900."

Foregoing indorsed on cover as follows:
"No: 3099 5464 Before the Dawes Commission on Citizenship in the Five Tribes. Irene J. House V.S. The Cherokee Nation. Petition and Proof, Fill E. Linton, for Petitioner. Filed Sept 8 1896 A. S. McKennon, Com'r. Denied. Filed Feb 26 1897 Jas A. Winston clark."

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"Received of W. H. Jacoway, jr., Secretary to the Commission to the Five Civilized Tribes the original papers in the cause of .... vs..... Nation, as follows..... Witness my hand and of icial seal at Muskogee this the 26 day of Feb' 1897 J. A. Winston, Clerk."
(Seal)"

Indorsed: "Court No.238 No. 5464 Receipt for original papers in the case of Irena J. House vs. Cheroke Nation., Received and filed this ..... day of..... 189..."

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"Irene J. House et al,
vs. No. 238
Cherokee Nation.

Mr. N. A. Gibson, Special Master to whom this case was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSCOGEE.

IRENE J. HOUSE ET AL

VS # 338 REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION.

---oOo---

I, M. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings on file in this case which are made a part of this report, and that I find as follows:-

I

That this case is in reality a branch of Case No. 90, Joanna Barber vs Cherokee Nation, the principal claimant herein being Irene J. House a daughter of Joanna Barber.

That this cause was instituted on September 8, 1896 at which time application was made to the Commission to the Five Civilized Tribes for citizenship by blood in the Cherokee Nation.

That this case was tried by the said Commission on November 24, 1896 and the applicants denied, no reasons being given for the decision, and that on January 30, 1897, the parties appealed from said decision to this Court.

That this application was made by Irene J. House, her husband, W. J. House, and their children Chas., C. Winston T., and Henry W. House. That they file in support of their application the affidavits of Joanna Barber, F. M. Dawson, Arthur A. Baker, E. Dawson, and W. A. Dawson. That these Dawson witnesses are citizens by blood of the Cherokee Nation, and state that they are related by blood to the claimants herein on the Cherokee side. The claimants base their contention of a right to Cherokee citizenship upon the fact that the claimant Irene J. House is the daughter of Joanna Barber, who is the daughter of Elizabeth Petty, who was the daughter of Polly Rogers, and that Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann, who were recognized Cherokee citizens by blood. That the testimony shows that this Dawson family are recognized citizens of the Cherokee Nation, and that the claimants herein are cousins by blood upon the Indian side, and that they all claim through a common ancestor, Polly Rogers and Captain John Rogers and Ailsey Vann, who were all recognized Cherokee Indians.

II

The appellee introduces in defense the record of the application of these claimants to the Cherokee Commission on Citizenship in the year 1897, and the record of the rejection of the claimants, and further the affidavits of W. S. Rogers, and Mrs. Sarah Carter, a grand daughter both of whom state that they never heard of any daughter of Captain John Rogers by the name of Polly Rogers, and that he had only one daughter, whose name was Cynthia.

III

The Claimants contend that they are residents of the Cherokee Nation and are relatives of the Dawsons, who are

recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name does not appear on the rolls of the Nation, and that neither he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

IV

The premises considered, I find that the claimants are the descendants of Captain John Rogers, and that it was entirely possible that in the condition of arrairs at that early date in the Cherokee Nation, especially owing to the absence of a marriage law and of records pertaining to marriage, that those claimants should be the descendants of Captain John Rogers by a daughter, Polly Rogers, of whom the affiants for the appellee may never have heard.

I find that the claimants are residents of the Cherokee Nation, Indian Territory, where they have resided since 1887, and that they are Cherokee Indians by blood.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted, this 8 day of Nov 1897.

(signed) N. A. Gibson,
Special Master.

My fee paid,
No Exceptions filed."

Foregoing papers indorsed on cover as follows: "238, Irene J. House et al V Cherokee Nation, Final Report of Special Master, Filed Nov 10 1897 Jno A. Winston, Clerk."

Foregoing papers enclosed in jacket indorsed as follows: "238, Irene J. House, et al vs. Cherokee Nation."

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BY MR. HUTCHINGS:

Well we close for the present.

TESTIMONY INTRODUCED ON BEHALF OF THE APPLICANTS:

D. F. C. DUNCAN, being first duly sworn, and being examined, testified as follows:

BY MR. McKENNON:

Q Please state your name, age and residence? A My name is D. F. C. Duncan, my age is 72 years, my residence, Vinita, Indian Territory.

Q Are you a duly recognized citizen of the Cherokee Nation by blood? A I am.

Q You gave testimony in this case once before did you not, before the Dawes Commission? A I did.

Q Before this Commission I will say, this Commission? A The Dawes Commission? A Why I don't recollect who the Commissioner was, that was at Vinita, ex parte.

Q Were you in any way connected with the Cherokee Citizenship Commission, that was the Tonee Commission? A I was Clerk of that Commission

Q For what length of time? A I don't recollect the exact length of time, I think it was about thirty days, during the continuance of that Commission, existance of that Commission.
Q You were the only clerk it had during its existance were you?
A I think I was.
Q You were Clerk of that Commission when it rendered a decision in favor of Robert Dawson et als, as found on page 114, of its record, numbered 108 (witness examines record referred to.) now in the possession of this Commission? A I was.
Q The members of that Commission were the same as shown by the signatures to this judgment were they? A The same, yes, sir.
Q Thomas Tehee, President of the Commission, Alex Wolfe and T. F. Thompson, Commissioners, that is correct, is it? A That's correct.
Q Were you present when this case was under consideration by that Commission and when it rendered this judgment in the case? A I was.
Q Were you at that time acquainted with F. M. Dawson, commonly called "Mud Dawson", Campbell Taylor and Samuel H. Benge, who were attorneys, who were Cherokee attorneys at that time? A I might say that I merely knew Mr. Dawson; all I know of him was I saw him there as a party to the suit. I knew Mr. Taylor and Mr. Benge more extensively; I have known them a number of years.
Q They were recognized Cherokee citizens were they? A They were.
Q Was Taylor not known generally as a Citizenship Attorney?
A I think he was.
Q Do you remember seeing him and Benge present at the time this case was under consideration by the Court? A Why I do not recollect seeing Mr. Benge, I cannot recollect, but I can recollect of seeing Mr. Taylor about the Court room now and then.
Q Do you know who submitted the case to the Court for the applicants? A Let me understand the meaning of that; who brought the case?
Q Who called up the case? A No, I don't recollect.
Q Do you remember whether that Commission rendered any other decision than that found upon this record in that case? A I never had any knowledge only but one decision.
Q Was that in favore of or against the applicants? A It was in favor of them; I will say this: that if there was another decision other than the one that appears on the docket now before you, I have no recollection of it.
Q The only decision you have any knowledge of was recorded by you in this book as here shown was it not? A That is the only one that I have any knowledge of.
Q Did Mud Dawson pay you any money in connection with that case?
A He did not.
Q Did he ever promise to pay you any money for your influence with the Court in that case? A Never.
Q Did you pay any money, either directly or through any other person? A For my influence in that case?
Q Yes, sir? A Never.
Q Did you have any knowledge of his having paid to the Court or to any member of the Court any money for the purpose of influencing this case at that time? A None whatever.
Q Did you have opportunity of observing his conduct during that Commission time? A The only opportunity that I had was during [illegible]
Q [illegible] Court which [illegible] that judg-

ment? A I never observed anything of the kind; nothing that awakened a suspicion in my mind that he was engaged in that kind of practice.
Q Did Campbell Taylor at any time after the rendition of that judgment pay to you any money as coming through him from Bud Dawson for any services which you had rendered to him in that case?
A Yes, he paid me some.
Q What amount? A My recollection is that, I think it was a twenty dollar bill. I don't know but I had better go and state the transaction, all about it.
Q Yes sir. A Mr. Dawson, Bud Dawson, during the trial of the case occasionally applied to me at my desk for writing paper, issue of a subpoena or transcript, something of that kind; I always treated him with courtesy and proper official consideration. He seemed to appreciate it, and whenever I did services of that kind to him, says he, I have no money, Mr. Duncan, but I feel as I ought to pay you. I told him I made no charges for work of that kind. And in passing I might state that I never received a cent for any kind of that work which I had been in the habit of doing for various parties before the Court.

After his trial was concluded, in the afternoon a little while before supper time I went to my hotel, The National Brick Hotel in Tahlequah; went to my room, felt a little tired, laid down upon the bed to rest. I recollect Mr. Duncan stepped into the room, drew a chair up to the bedside and sat down and commenced giving expression to his gratification at the success of his case, dwelling mostly upon the testimony in the case being so satisfactorily, establishing his Cherokee blood, and that he thought that he was entitled and that he had received justice by the Court. I listened to him, and we talked there I guess some ten or fifteen minutes; after a little he says, I must go to-morrow, I think he says to-morrow, I must go home,- he then lived down in Arkansas somewhere. Says he, Mr. Duncan, I believe I owe you something, ought to pay you something. Alluding, as I understood, to these little courtesies that I extended to him at my desk. Says I, I make no charges, Mr. Dawson, for services; if I have done you any good you are welcome. Well, says he, I feel indebted to you, I ought to pay you. I says, that makes no difference; I will leave that to you. Says he, I have hardly enough money to get back home. He shook my hand, and the last word he said to me, you shan't lose anything, for your kindness to me. I thought he had reference to my services at the desk. That was the last I saw of Mr. Dawson, oh it must have been a year afterwards, I had located a little claim on the public domain up there in the Delaware District, struck off what I intended to be a farm, cleared, fenced, I didn't make any other improvements, over there on Horse Creek. Went over in that part of the country to look after my claim and I saw across Mr Dawson, he had come into the country and located and built him a little shanty and was living in it. I went upon him, he was very glad to see me, I [illegible] he said he had moved into the country, and I told Bud, said I, you are encroaching upon me here; he had [illegible] part of mine, mine had been [illegible] Cherokee land. Well, says Mr. Dawson, [illegible] any event, I will pay you [illegible] matter [illegible] way, that he [illegible] together [illegible] would not [illegible] that [illegible] on for [illegible] him [illegible] Anita, and [illegible] money [illegible] to you? [illegible] or.

Well, says he, I gave him some money and told him to hand it to you for me, and, says he, you ask him and he will hand it over to you I guess. Well we parted then. Well, went on for some time, some months; I happened to meet Mr. Taylor in Tahlequah; I met him on the street I think, jocularly I slapped my hand on his shoulder, says I, look here, did Mr. Dawson any money to me by you? He says, yes, and he pulled out what I recollect to be a twenty dollar bill, and handed it to me; I received it, and I received it with the idea that he was compensating me for taking my claim, or possibly for doing him those little services in the Court. Now that is the sum and substance of the whole thing.

Q Was not that twenty-five dollars, Mr. Duncan? A It might possibly have been, my recollection does not serve me exactly, it might have been 25 dollars.

Q Did Campbell Taylor pay you any other money as coming from Bud Dawson? A Never a cent.

Q Did he at one time pay you fifty dollars out of a hundred dollars which he had received from Mr. Dawson? A Never.

Q Did he on a second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson? A None at all.

Q He paid you no other money than that you have already stated, from Mr. Dawson? A Not a cent.

BY MR. McKENNON: We offer in evidence the judgment of the Cherokee Citizenship Commission before referred to, and ask that it be filed in evidence in the case of every application made by members of the Robert Dawson family who claim under it, or through Robert Dawson, as citizens of the Cherokee Nation, said judgment being found on page 114, Records of the Tehee Court, 1880 to 1884, case number 108, judgment dated January 11th, 1883, signed by Thomas Tehee, President, Alex Wolfe, T. F. Thompson, Commissioners. D. W. C. Duncan, Clerk Commission.

The said judgment just introduced is as follows:

"Office Commission on Citizenship,
Tahlequah, C. N., September 24th, 1881.
No. 108
Robt Dawson,
Elbert Dawson,
Jasper Dawson,
John Dawson,
Josephine Dawson,
Joseph Dawson, Petition for Citizenship
Jane Dawson,
Molly Dawson,
Wilbron Dawson,
James Dawson,
Rial Dawson,
vs.
Cherokee Nation.

Continued by the Plaintiff, etc. [illegible]

January 11th, [illegible].

The above cause continues [illegible] Cherokee Nation [illegible].

Terms Agreed by the parties that the above shall not be taken up for final disposition before the 4th day of Oct. 1882.

October 4th 1882

It is agreed by the parties that this shall be finally disposed of at the next January term of the Cld; ant in person, defending the same, if not, the same shall be then continued to the September term, 1883.

On the agreement Commission continues the case till the next January term to-wit, January 1883.

and now this 11th day of January A.D. 1883 this cause coming on for final hearing, and all the evidence produced in the case being carefully read and duly considered by the Commission it was adjudged and determined by the Commission on Citizenship that the claimants, Robert Dawson, F. H. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Jo Queen Dawson, Joseph A. Dawson, Sarah Dawson, Polly Dawson, Mirron Dawson, James Dawson, and Will Dawson, are Cherokees by blood; and that they are entitled to all the rights and privileges of Cherokee Citizenship within the Cherokee Nation, and that they should be, and they are, hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

(signed) Thos. Tehee,
President of Com.

D. W. C. Duncan,
Clark of Commission.

Alex Wolfe,) Commission,
T. F. Thompson,) Crs.

Transcript delivered to Claimants, January 11th, 1883,
(signed) D. W. C. Duncan, Clerk."

Marginal Note: "Case submitted by Claimant January 11th 1883. Case submitted by Solicitor January 11th, 1883."

Q Do you remember how many members of the Court were present when this judgment was rendered, or were all of them? A My recollection upon that point is not positive, but resting my statement upon what I know to be the practice of the Court at the time, seeing the names of all these Commissioners there, I can say with a great deal of positiveness that they were all present, because I never signed the name of one of the Commissioners unless he was present, assenting to it or directing it.

Q The translation of that judgment then was concurred in by all the three judges? A It was.

Q Mr. Duncan, if there had been a decision rendered the day before in this case while the Court was in session, adverse to those Claimants, would you have known it? A I certainly should have known it.

Q Was there any such decision of the Court? A None to my knowledge. I can say positively there was not.

Q How many of these judges are now living? A Only one.

Q Which? A Mr. Thompson.

Q Tehee and Wolfe are dead? A Tehee and Wolfe are dead.

Q How long have they been dead, do you know? A I do not know, quite a number of years. I was living here, never lived here when they were dead, and the first I ever heard of it was some time before I got knowledge of it. It is generally known that they are dead.

Q Do you recall how you came to be clerk of the Damon family about the middle of May last year and Damon? A I have been thinking, but I can't recall to mind at present any other than except the fact that I was a witness in connection to the rendition of the judgment.

(At this point a party who is now sitting in the room in which the examination is being held, is called forward, sworn on behalf of Attorneys, and asked to retire until called.)

BY MR. HUTCHINGS:

Q Mr. Dunning, when did you become a clerk of the Texas Commission Court? A It must have been somewhere in December, 1864, at the time the Commission was organized immediately at the close of the Council in which they were appointed.

Q December 1864? A I think so.

Q What are you doing rendering judgments here in your handwriting in 1863? A The Commission held the Court after they were elected sometime.

Q The Court was elected in 1861, wasn't it? A Well, I was at the time, I don't pretend to say when the Court was elected, I might have said at the time I was chosen clerk, I was chosen clerk just at the close of the session of the National Council of that year.

Q '64? A I think it was '64.

Q You entered up this judgment rendered January, 1863? A Yes, that was the session of the Commission.

Q That was before you were clerk of it? A Well I held the clerkship for some time, you in a continuously.

Q Well but when you go back to say that you were hair clerk when Dan on case was passed on? A No, I don't mean to say that.

Q How could you be clerk when the Damon case was passed on in 1863 when you were not elected until 1864? A I am mistaken in that, '64 comes after '63, it was in the preceding 1863, it must have been '62.

Q Your first entry in the Damon case is January 13, 1863, isn't it?

Q I don't recollect what my first entry was. (Attorney shows the record to witness) Yes, that is the entry there on the 13th day,

Q And that was shortly after you became clerk wasn't it? A Yes, shortly after I became clerk.

Q The case had been entered upon the docket before you became clerk? A I think so, yes; it was entered in the previous term of the session of the Commission.

Q In whose handwriting was the names of the three Commissioners signed to that judgment? A Damon's front?

(Attorney shows record to with a again) A That is my handwriting.

Q All three names? A All three names.

Q The record there shows that you originally gave that out a transcript of the judgment, do you know who signed that? A Signed the transcript?

Q Yes, sir. A I do not recollect now, this is, did the writing?

Q Signed the name to it? A Yes, that's it.

Q You always signed Dan Damon and Wolfe didn't you?

A I think I did pretty generally; I don't know of their attempting to write their own names.

Q When Mr. Thornton was there didn't he sign his own name? A Sometimes he did, sometimes he simply authorized me to do it.

Q Have you any recollection of him authorizing you to do it except from the fact that you have done it so that seems frequently? A I don't recall to mind whether his oral fiat of authorization, but I can say positively that, consulting the record, that he authorized me to put his name there.

Q Will you look at the original transcript hereby shown you and referred to in the judgment and say who signed the names of the Commissioners there? A (Papers shown to witness) A I signed them there.
Q You recognize that as your handwriting? A I do.
Q What made you when you were testifying at Vinita before Mr. Martin, on looking at the same signatures, and being cross-examined by me, say that it was not your signature and that the signature thereto attached was the signature of Mr. Thompson? A Occurred in this way: I had not seen any of the records in the case for about nineteen years. The exact transaction in the court had vanished about entirely from my memory: I recollected at that time, however, when I gave in my testimony before the Commissioner, Martin, that that was a practice of the Court at the time I served by which I signed the names of the full-blood members of the Commission, and Mr. Thompson either uniformly or occasionally signed his own name. I based my statement in that deposition upon my knowledge of the rule or practice in the Court, without comparing the docket and refreshing my memory. I made an incorrect statement when I said that that was not my handwriting; I am convinced now that it is my handwriting. That is the way it occurred, the way it happened.
Q Then you consider your recollection of the fact that Thompson when he was present and rendering a judgment signed it himself, better than your own knowledge of your own handwriting?
A No, I didn't so regard it. I simply spoke without advisement when I gave in that testimony; I subsequently became better informed and concluded that that was my handwriting and not entered by Mr. Thompson under the rule, but was one of those cases in which he authorized me to do it myself, and I did it.
Q Then you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and not from the fact of your judgment on your handwriting at present? A I simply corrected my testimony in reference to my statement in regard to this handwriting, this case.
Q And you wouldn't know then as I understand you whether or not that is your handwriting if it was not refreshed by what you consider to be exterior facts? A I should know it by examining it and thinking over the circumstances, I think I should recognize my own handwriting, but if the question should be propounded instantaneously without any advisement or preconsideration I might make a mistake.
Q You did recognize the names of Thomas Teher and Alexander Wolfe as being in your handwriting at that time? A I was very clear and positive, and so stated, that the names of those Commissioners were in my handwriting, and I was also certain by reflecting on the rule that they never signed their names with their own hand, but always authorized me to do it. Hence there is no question in my mind in regard to my handwriting in their signatures.
Q And then the third name, you consider it, as compared with your admitted handwriting, you had to wait and learn the facts afterwards to determine whether that was your signature or not? A No, I don't think that if I had considered the circumstances, I knew what there was reasonable, that I had the opinion that that might have been Mr. Thompson's signature on like this: I knew that he had been in the habit of at least sometimes signing his own name, and I was under the impression--and I do not now think I was deceived--that his chirography was at least more reasonable to my mind, hence I doubted that was not at that time or not that moment.

Q You were asked something about this time in your testimony as the fact that Mr. Thompson's name was the handwriting and not yours, didn't he? A Mr. Thompson's statement was by stenographer, not at time to make to ascertain whether I was not right or not, and after so long a time I concluded that I was.

Q And he stated, anyway, that he didn't you, that he always signed the original bill when he was present? A I do not recollect that I stated, that I used the word "always", at that time, but at the time I was examined when the deposition was taken, I recollect that he did, but when I came to collect and examine the docket I was convinced that I was wrong, that occasionally I signed for him.

Q Then you never found out that your testimony given on this like a year and a half ago was wrong until you examined the docket day before yesterday, and changed your testimony? A I don't know that I have thought of it since that time until yesterday or day before, the examining the docket.

Q So the only recollection that you have got and the only aid to your recollection that Thompson was present when this judgment was rendered was the fact that you and he signed to it, in your handwriting, is it? A As a fact,-

Q You can answer that yes or no? A That seeing the handwriting aided my recollection but I recollect now that the commissioners were all present at the time that I signed it. I didn't their names out of court at all.

Q Was it in the forenoon now or in the afternoon? A I don't recollect whether it was in the forenoon or afternoon.

Q In recollecting that they were all present when the record was signed, do you mean to say that they were all present when the judgment was rendered? A Yes, that is, you mean when the question of admission or rejection was voted upon?

A Yes. A They were present.

Q Did you write up the record at the time that they rendered the judgment, or make a memorandum of it, and then write up the judgment some days afterward? A The record was not written up immediately upon the decision of any case, but I wrote up the record after adjournment, generally in the evening, and presented it next day or when the next session was had, for signature; that was the practice.

Q But in this Dawson case you wrote it up the very day that it was rendered didn't you? A I didn't recollect as to that.

Q And gave them a transcript the very day it was rendered?

A I don't recollect as to that.

Q And indented the giving of the transcript on the bottom of the judgment the day it was rendered? A I should say it was given at the date of the transcript.

Q That was a very unusual thing for you to do in entering up judgments? A To do what?

Q To notice the bottom that you had given a transcript the same day the judgment was rendered? A No, I don't know that there is anything unusual about that.

Q Any other places in that record or more than one in any event that you have ever done that? A I don't recollect, but I don't recollect of giving anybody else a transcript.

Q That is what I am getting at: you gave them a transcript and wrote up your judgment and everything right away? A Pretty promptly after the decision: whether it was the same day or the evening, and if not next day, I don't recollect.

IT NOW BEING THE HOUR OF NOON, 12 M., THE COMMISSION ADJOURNS UNTIL HALF PAST ONE P. M.

AFTERNOON, TIME-1:45, P. M.,-APPEARANCES,-same as in forenoon: D. F. C. DUNCAN again on the stand.
BY MR. HUTCHINSON:

Q Do you remember what witnesses were before the Court? A I don't recollect now distinctly except Dr. Baker, I remember him mainly because of the length of his testimony at the time it took to take it.
Q The Doctor was about the only distinct witness there was? A He is the only one now that I can call to mind.
Q There was practically another old darkey that testified was not there? A I have no recollection to that effect.
Q The case was just decided really on Doctor Baker's testimony, he is about the only man that knew anything about the case? A I am not certain that Dr. Baker was the only witness; might have been others that have now escaped my recollection.
Q Doctor Baker's testimony was taken down in writing? A Yes.
Q There was not anybody's else taken down in writing was there? A All the testimony that was accorded in the case was taken down in writing.
Q Did you ever see anybody's else testimony in writing except Dr. Baker in that case? A There is not no I recollect, I don't recollect any other but Dr. Baker's.
Q You know whether that was taken immediately before the trial or at the trial or how was it? A It was taken in the presence of the three Commissioners during the session of the Court.
Q You mean the day that the case was decided or how? A I do not recollect whether the case was on trial more than one day, but my impression is that it was.
Q Do you know whether it was the same term of the Court or not? A I think it was the same term of the Court.
Q How many terms a year did that Court have, when and how did they last? A I don't recollect of but serving but one term.
Q Don't recollect but serving but one term? A Myself, it seems to me so.
Q You didn't go in until January of 1883 did you; your first record is a record of about the 15th of January 1883, as shown by the book, isn't it? A I don't recollect in that regard.
Q How would they take testimony in the case, then continue it, or how would they generally do about that? A I think they decided on the case at the term in which they took testimony.
Q Can you say whether or not this testimony was taken in this case at the time it was decided or at the same term it was decided, or whether a week or two of the time it was decided? A My recollection is that it was taken at the term in which it was decided; case was taken up, testimony heard that the decision was made at the conclusion of the testimony.
I will now, I see on October 4th, 1882, an your [illegible] following entry reads: "It is agreed by the parties that this cause shall finally be dismissed at the next January Term, [illegible] January, 1883," "If the Court is present during the [illegible] cause shall be continued to the September term, [illegible] of this present term. I also continue [illegible] January term, 1883."

January and 4 September 1837. But this decision was rendered at the January, 1837 term, and Baker's testimony taken during the January, 1837 term, at the time the decision was rendered? A I find it impossible for me to recollect those dates that are recorded there; although I say and admit that, that the record shows the correct statement of the facts; but I can't recall those facts.

Q Well there is a record here that this case was continued on the 14th day of January, 1837, and appears that it should be taken from the 4th day of October, 1837; your record there says that there was nothing done in the case from January 14th, 1837 until October 4th, 1837; would you say that was correct? A I would say it was correct if it is so stated in the book; it is good, now to be a correct entry of the facts.

Q I will let you see the book for yourself: I don't want to misrepresent you and of it at all. (Shows entry in book to witness.) A I can't recall those facts in regard to the judgement.

Q You took down the testimony of the witnesses in court? A I took it down.

Q You took down the testimony of Dr. Baker? A Yes.

Q On the cross examination by counsel for the defendant? A As to that I don't recollect; he was present, he was always present; I think likely he was cross examined.

Q And that testimony was taken at or near the time when the judgment was rendered in January, 1837? A I think it was, my impression is to that effect.

Q Well the court seems to have had no session as to this case from January 14, 1837 to October 4th, 1837, according to the record? A (No response.)

Q You don't recall the fact anyway, also testimony in the case? A No Sir, I don't.

Q And the probability is that he was the only witness examined, isn't that? A It might have been so; my recollection is that he was regarded as the main witness of the case.

Q He was quite an old man, about 70 at that time? A Yes, he was quite old.

BY MR. McKINNON:

Q The testimony of Mr. Arthur Baker, from this record, appears to have been in on January 14th, 1837; is that correct, as far as you may know, or are able to state? A Is that Mr. Baker's testimony? (Attorney here shows witness papers) A It appears to be, yes; I don't think that was the testimony that the case was decided upon, because his testimony was taken orally before the Commission, and I wrote it down: please let me see it. (Attorney hands said papers to witness.)

A Well, all I know about this is as I stated before, I can't recall those facts, but whatever the record says why I say that the record was correct, according to the fact. (Witness takes copy of the testimony referred to to refresh his memory.) I don't understand in reading this very clearly to my understanding, but I gather from the subject matter in that testimony that it is in accord with Doctor Baker's statement; in exactly word for word I am not able to say, but that is the tenor of the testimony.

BY MR. McKINNON:

Q In taking the testimony you endeavored to get down all the material facts that you could in the case, is it not so? A Yes, very nearly word for word, as I could put it, sometimes there was a little variation made necessary by the length of the witness' statement.

BY MR. McKENNON: Applicants object to all of the witness' testimony relating to the method of taking the testimony of witnesses at the trial, the character and effect of that testimony, and the number of witnesses, except so far as the same may be used for the purpose of testing the memory of the witness, because the same is incompetent, irrelevant and immaterial.

B. F. FORTNER, being first duly sworn, and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A B. F. Fortner.
Q What is your age? A 54.
Q You are a physician are you not? A I am.
Q Where do you reside? A Vinita, Indian Territory.
Q Do you hold any official position in your position? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the Legislative Committees of the Indian Territory and of the American Medical Association,—those are some, and the most important positions I hold at this time.
Q Are you a Cherokee citizen? A I am.
Q By blood or intermarriage? A Intermarriage.
Q Your wife is a citizen? A Yes, sir.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.
Q Do you know his general reputation in the community where he resides for honesty and uprightness of character? A I do, I think.
Q Is that good or bad? A It is good.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A About six or eight years, don't know exactly how long; known of him for ten years and personally I have known him about any six or eight years.
Q Do you know his general reputation for truth and veracity? A I do.
Q Is that good or bad? A It is bad.

BY MR. HASTINGS:

Q Mr. Du conn belongs to the same church you belong to? A Yes, sir.
Q And has for a number of years? A Well now I say I think he does; I have always so understood.
Q Don't keep up with all your members? A No, but he has attended church there and my impression has been that he is a member of the church.
Q You didn't have any business before the Citizenship Court of which he was clerk, did you? A No, sir, not that I know of.
Q You were not at Tahlequah while he was clerk of a Court from 1898 to '5? A I don't believe I was.
Q Never had any business before that Court? A Had no business before them, not while he was clerk to my knowledge.

BY MR. McKENNON:

Q You spoke of his membership in the church; he is in good standing as a member of the church is he? A Yes, sir.
Q I will ask you if Campbell Taylor's reputation for truth and veracity is bad? A Yes, I have so understood it.

BY MR. HASTINGS:

Q I will ask you if it was notoriously bad in fact, that these people employed him to represent them before the Court? A That was before my knowledge of it.

Q But so far as you know his bad reputation dates back so far as you know him? A So far as I knew him.

G. W. MILLER, being duly sworn and being examined, testified as follows:
BY MR. McKENNON:

Q What is your name? A G. W. Miller.
Q What is your age, Mr. Miller? A 61.
Q Where do you reside? A Vinita.
Q How long have you lived there? A Well I have lived there altogether about 15 years, I guess, or 14.
Q Are you a citizen of the Cherokee Nation? A No, sir.
Q What is your business? A Real estate and insurance agent.
Q Do you know D. F. C. Duncan? A Yes, sir.
Q How long have you known him? A I have known him twenty years.
Q Do you know his general reputation for honesty and uprightness of character where he lives? A Yes sir.
Q Is that good or bad? A It is good, so far as I know.
Q Do you know Campbell Taylor? A Yes, sir.
Q How long have you known him? A Well I have known him 18 or 20 years, I guess.
Q Do you know his general reputation for truth and honesty? A Well yes.
Q Is that good or bad? A Well, it is bad, I think.

ATTORNEYS FOR CHEROKEE NATION waive cross examination.

F. H. CURTIS, being first duly sworn and being examined, testified as follows:
BY MR. McKENNON:

Q What is your name? A F. H. Curtis.
Q How old are you, Mr. Curtis? A 56.
Q Where do you reside? A Afton, Indian Territory.
Q How long have you lived in the Indian Territory? A 20 years.
Q What is your business? A Lumber business.
Q Do you know D. F. C. Duncan? A I do.
Q How long have you known him? A About 20 years.
Q You know his general reputation for honesty and uprightness of character in the community where he lives? A I do.
Q Is that good or bad? A As good as any man's.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A Some 20 years, I suppose.
Q Do you know his general reputation for truth and integrity and honesty? A Yes sir.
Q Is that good or bad? A Bad.
Q Is it notoriously bad? A Yes.
Q Did you ever know Dr. Baker, Dr. A. B. Baker, of Berryville, Arkansas? A Yes sir, I knew him in '68 and '69.
Q Where? A Over at Berryville. I ran a saw mill in that country at Berryville.
Q Did you know his general reputation as far as honesty and uprightness of character and truthfulness? A Yes sir.
Q Is that good or bad? A Good sir. Good as any man's; he is a good Christian gentleman.
Q Did you have an opportunity to know his habits of life? A Yes sir.
Q Was he in the habit of using liquor, drinking liquor? A Not that I know, of sir. I never saw him take a drink in my life.

Q Was his character such as to preclude any such charge against him? A It was, yes sir.

BY MR. HUTCHINGS:

Q How long did you know Dr. Baker? A Two years.

Q Came down to do there? A He was an old gentleman then, he lived right in the edge of Perryville, Dr. Baker.

Q How old do you think he was then? A I think he must have been 65 or 70 years old; an old gentleman.

Q That was in 18 what, 68? A No sir, it was in '68 and '69, the two years that I lived over there.

Q He had retired from business? A Yes, sir.

Q Did he have any family? A Yes, sir.

Q What family did he have? A I don't know how much family he had, I was not acquainted with the old gentleman.

Q He wasn't doing any business with anybody? A No sir.

Q And his character was never called in question one way or the other was it? A No sir, no sir.

Q Campbell Taylor was a notorious rascal pretty much ever since you ever knew him wasn't he? A Yes sir, I never know much good of him.

Q And whenever a man got in bad circumstances some he got Campbell to work it, because he was notoriously a rascal that's it ain't it? A Well a great many of them got it.

Q It was a notorious thing that they had a bar case they would get him, it would sort of give a case a bad color to have Campbell around it? A Yes, that would be right.

Q You never knew anything about Mr. Duncan's connection with citizenship matters? A No sir, never did.

Q You never heard about his changing some of the records of citizenship cases? A No sir, never did.

Q You have heard lots of talk about this Garner case? A Yes sir.

Q Rumor had it all around that somebody was doing something wrong? A Yes sir.

Q You never accused him of it you think? A I never heard him accused of it, no sir.

Q That ran on and on from the first day they were admitted right up to the present? A Well I don't know not from the first day, I have heard it for a good while though.

Q But you never knew who has fixed it out? A No sir.

Q They have been a pretty strong family up there in that country haven't they, pretty large family? A Yes sir.

Q Cast a good many votes up there? A Yes sir.

Q Did you ever know of the Doctor's testifying any in court, Mr. Baker? A No sir, I never did.

Q What would you think of a man who would testify that in the [illegible] that was single in 1885 when the youngest of her seven children was born in 1882, what would you think, would you think that was stated out to be made up a man who was truthful? A -

BY MR. McKINNEY: Applicants object to the question because it is wholly incompetent, and not based upon any proof of admitted facts in the case, and it is wholly immaterial and incompetent.

Q You think that was a statement that would be made by a truthful man? A (No response.)

Q You know him in '68? A Yes sir.

Q He was quite an old, decrepit man? A Yes sir, quite [illegible] in '68.

Q 14 years from that time he was liable to be in his dotage?
A I don't know, he was an old man when I knew him.
Q He was too old to work, and retired from business then? A Well he did work a good deal, but wasn't doing any business particular that I know of.
Q He would have been pretty old 14 years from that time? A Yes, he would be getting old.

D. H. HARRIS, being first duly sworn and being examined, testified as follows:

BY MR. McKENNON:

Q What is your name? A D. H. Harris.
Q What is your age, Mr. Harris? A I am 44.
Q What is your business? A I am publishing a newspaper.
Q What paper? A "The Indian Chieftan."
Q Are you Editor of that paper? A Yes sir.
Q You live at Vinita, then? A Yes sir.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q Do you know W. W. D. Duncan? A I do.
Q How long have you known him? A 15 or 16 years.
Q Do you know his general reputation in the community where he lives for honesty and uprightness of character? A Yes sir.
Q Is that good or bad? A Good.
Q Do you know Campbell Taylor? A Yes sir.
Q How long have you known him? A Why 15 years or longer.
Q Do you know his general reputation for truth and honesty in the community? A His general reputation, yes sir.
Q Is it good or bad? A Well it is not good.
Q Is it bad? A Well I suppose it must be bad then.

BY MR. RUTHERFORD:

Q But for all Campbell's reputation be a bad, Mr. Harris, quite a good while, hasn't it? A Why I think so, yes sir.
Q And it kind of began mostly with this citizenship business? A Yes, so far as I know it did, yes sir.
Q Campbell got up many bad citizenship cases and through the mails, and they finally had him up about it, had a good deal of stir about it? A Yes sir.
Q And part of that stir was sort of occasioned by his helping the Dawsons in ward it? A I don't know, I don't know whether he helped the Dawsons.
Q Was not that one of the principal cases that brought him into notoriety? A I don't know whether he had that case or not. I know he had a great many cases.
Q That was the principal thing that concerned the Civil Campbell out, was citizenship cases here? A I think that is what got him into the most trouble.
Q I say before that time nobody had talked much about Campbell one way or another, and it became pretty general that Campbell was handling shady citizenship cases, and he got a bad reputation from that? A Yes sir, I think that was the impression generally.
Q Now Mr. Duncan's connection with the Dawson case sort of been kept back; people never talked much about it? A I never heard anything about it, as I know of.
Q You have heard that there was a controversy, real, that the Dawsons arose, that was a notorious thing? A Oh it was a notorious case, yes sir.
Q Tell the fact of Mr. Duncan's reputation for truth and veracity has been somewhat [illegible] in that?

Q His reputation for truthfulness is universal given by his manner the times occasion to confess that very often himself seems not
A I don't know whether I am qualified to answer that.
Q Speaking of his own knowledge he does that very frequently?
A No sir, not that I know of.
Q Doesn't he write a good deal about that sort of things? A About his conviction?
Q Why he mentions it in his own integrity? A I don't remember that he does.
Q You were not about the citizenship courts along in 1891 '2 and '3 were you? A No sir.
Q Don't remember about Tom Hill, but was you, or around the Capitol ever there when the citizenship cases? A Why no, don't remember anything special as I know of. I was not the citizenship court going on at different times.
Q How far were you living from Ashland in '87? A Well, I lived close to Kaylin, I guess it is fifty miles roundabout.
Q Have you lived anywhere in Tahlequah since that time? A No sir, never have.

H. L. Butler, being first duly sworn and being examined testifies as follows:

Mr. Hackney.

Q What is your name? A H. L. Butler.
Q You are a citizen of the Cherokee? A Yes sir.
Q M. E. Church, South? A Yes sir.
Q How long have you been a [illegible]? A I have been in the Indian Territory 22 years sir.
Q You have also been a minister? A Yes sir.
Q How long? A I have been in the ministry 20 years, sir.
Q Do you know M. L. Buffington? A I do.
Q How long have you known him sir? A I have known Mr. Buffington 21 years.
Q Do you know his general reputation for truth and veracity and character? A I do.
Q Is that good or bad? A Good as far as I know.
Q You have had opportunity of knowing? A Yes sir.
Mr. Mackey.

Q Mr. Buffington was a witness of your church? A Yes sir.
Q That is the principal way you had of coming in contact with him? A Yes sir, he was a member of my official board.
Q His connection with citizenship cases that were decided by the court of which he was clerk was never brought up in your presence anywhere? A No sir.
Q Or never discussed? A No sir, I know nothing about his connection with it.
Q You didn't live about or near Tahlequah in '87? A Yes sir, I was pastor of the Methodist Church in '87 at Tahlequah.
Q Did you ever hear about the Dawes Rolls, or other cases admitted over [illegible] by the Citizenship Court? A No sir, I know nothing about the matter, I came here from the Territory now in session, And I remember that [illegible] but I knew nothing about the cases that were decided at all.
Q Never heard anybody discuss the cases that were decided? A No sir.

THOMAS A. CHANDLER, being first duly sworn, was duly examined, testified as follows:

BY MR. McPHERSON:

Q What is your name? A Thomas A. Chandler.

Q What is your age, Mr Chandler? A I am 50.

Q What is your business? A Deputy Clerk of the United States Court at Vinita.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know D. F. Campbell? A Yes sir.

Q How long have you known him? A Let me see, I have known him about nine or ten years.

Q You know his general reputation for honesty and truthfulness of character in the community where he lives? A Yes sir.

Q Is it good or bad? A Good so far as I know.

Q Do you know Marshall Taylor? A Yes sir.

Q How long have you known him? A I think about 15 years.

Q Do you know his general reputation for truth and honesty? A Yes sir.

Q Is it good or bad? A The best as I know.

BY MR. McPHERSON:

Q How did Marshall Taylor get a bad reputation? A Well sir, I don't know how he did.

Q You never knew him until 1897? A Well I never knew him personally, I heard of him before that.

Q He had a bad reputation before 1897? A Yes sir.

Q Now something was said about Taylor? A I think I remember I ever heard of him [illegible] I was in the Nation and I remember hearing of him as a bad character, a bad man altogether. A Yes sir, ever so far back as I can remember. I think I heard of Taylor in 1892. I think I was about the time.

Q And Campbell got a very bad reputation in '90 and '91 when we began to have these citizen and citizen? A Yes sir.

Q You heard his name as one of the specially and unjustly for those difficulties? A Yes sir, I heard of his being in the Fort Smith Jail on that account.

Q Citizens of the Nation talked a good deal about Campbell's being in those bad difficulties, didn't they? A Yes sir.

And I also heard he had a reputation for evil, his debts, also about the war time.

Q You don't know whether he had the money, he might have had the money to pay his debts? A No sir.

Q He could have kept out of bad citizen's account? A Yes sir, I suppose he could.

Q You never heard Mr. Duncan's name mentioned before in connection with the Bureau Creek citizen account? A No sir, I don't think I have, I may have, but I don't remember hearing it.

Q General impression that everybody had done something wrong with that matter, difficulty arose? A I think there was no citizen present in connection with the Bureau difficulty, I see.

Q Have you always heard it publicly and openly that they were not citizens? A Yes sir, I have heard it mentioned around over the country that such and such ones.

Q That was a pretty large white community up there? A [illegible] never investigated? A I don't know about it, I don't know if it was ever investigated, I never heard of it.

Q Do they mean by any attempt to find out the truth
A No sir.
Q Here, if you live in Gary, A In fact I live out on Duck Creek about 12 miles south-east of Yinita.
Q How far from Pittsburg was Gary? A About 65 or 70 miles, I suppose.
Q You never talk around before the Missionary Society during that time, did you? A No sir.
Q You don't say, then the fact of not being able to talk was because of that? A No sir, I do not, at that time.
BY MR. ROBERTSON: I object to all of the testimony of this witness as to what he heard by way of rumor, about the character of the negro boy, because it is hearsay, irrelevant, incompetent and immaterial.
I, G. Hardwick, of Journal for Affidavits, being first duly sworn, upon the following facts:
I live in a portion of Carroll County, Arkansas, known as [illegible] I was intimately acquainted with Walter Arthur Baker, for many years. I knew him as well as I did anyone else. He was a gentleman of the highest Christian character, so recognized by everyone who knew him. He was a sober man and never drank liquor. I make this statement in vindication of that good man's memory than for any other reason, because any imputation against his character is false.
BY MR. HARDWICK:
Q How long did you know him? A I resided in Carroll County until last [illegible] when I moved to Johnson County, Arkansas; during the war I was away from home, but I knew him intimately every year that I resided in Carroll County.
Q How many times did you see him? A I do not, I have seen him several times. I have sometimes been in the town in which he lived; by inquiring of him when I was in town I could be informed about [illegible] Q How was he [illegible] I think he was well liked I left there as I did many [illegible]
Q Did you ever [illegible] A I do not, I have been in his company a number of times. Q How long have you known him all his life or [illegible]
Q Did you ever [illegible] A I knew of every day of my life, in 1906 [illegible]
Q [illegible] he was [illegible] or [illegible] the wife of Frank Burns, [illegible] and Burns prior to his [illegible] I have not been in [illegible] I [illegible] Burns was [illegible] I do not [illegible] I [illegible] I [illegible] I

TESTIMONY ON BEHALF OF CHEROKEE NATION.

DAVID MERRIMAN, being first duly sworn, and being examined, testified as follows:

BY MR. RUTHERFORD:

Q State your name? A David Merriman.
Q Where do you reside? A Vinita.
Q How old are you? A 58 years old.
Q Did you ever know Andrew Bowers? A Yes sir.
Q How long have you known him? A I knew him probably 8 years.
Q Did you ever have any talk with him about his citizenship here?
A Very often.
Q You were at one time an applicant before the Dawes Commission for citizenship were you not? A Yes sir.
Q Will you tell Mr. Bowers tell you with reference to his citizenship, as to the cost of getting it, if anything? A Will he told me it cost him eleven or twelve hundred dollars to get him once through.
Q Where did that conversation take place? A At Afton.
Q At what time? A It was in '32, spring of '32.

BY MR. LOCKWOOD:

Q [illegible] A I was working on a house
[illegible] building the house.
Q [illegible]
A [illegible]
Q [illegible] A I don't know, he
was [illegible] old.
Q [illegible] A Yes sir.
Q [illegible] A No sir.
Q [illegible] A I don't
[illegible] or not.
Q [illegible] with the same, in fact, himself,
[illegible] and family that cost that
[illegible] Dawes, etc. That is the way I
[illegible].
Q [illegible] yourself were you not? A Yes sir.
Q [illegible]
Q [illegible] A Yes sir.
Q [illegible]
Q [illegible] before the Dawes Commission as a part?
A [illegible] three times.
Q [illegible] A Yes sir.
Q [illegible] A Yes sir.
Q [illegible] A Yes sir.
Q [illegible] living in the Cherokee Nation? A 15 years.
Q [illegible] A Indianh.
Q [illegible] different A Yes sir.
Q [illegible]
Q [illegible] A Yes sir.
Q [illegible] A I think he died probably [illegible] in
[illegible].

TESTIMONY ON BEHALF OF THE APPLICANTS.

F. H. [illegible], [illegible] called and further examined, testified as follows:
BY MR. [illegible]:
F. H. [illegible] A Yes sir.

Q Mr. Bowen, what member of your family came to the Cherokee Nation to file and you secure the allotment of your father, Robert Bowen, and the members of his family, to Cherokee citizenship?
A My brother from Texas out to Tahlequah.
Q Tell his name? A Elbert Bowen, they all know him by Buck.
Q When was that? A In '81 I remember, or '82, I don't know which, it was in '81 or '82.
Q Did you file your claim at that time? A My brother did, yes, the application, I never went down to make it out and file it, that is my understanding.
Q Joel Bryan, who afterwards was Chief of the Cherokee Nation?
A Yes sir.
Q Tell what court was that filed? A My understanding was he was clerk of the court; Hastings can tell me what court he was clerk of.
Q He was clerk of the Court at that time? A Yes sir, of the citizenship court; that's my understanding.
Q What was done about the case at that time, if you remember? A I went back home and left my brother down there at that time, that trip.
Q Where did you live then? A I lived at Perryville, Arkansas.
Q When did you next come to the Cherokee Nation? A I believe I came back the next January, that was in September.
Q Was your brother there then? A I don't think he was, I don't remember.
Q Well had he at any term of the Court or session of the Commission at any time after you first came here and filed the application until after it was decided? A No sir, I never got to any term until that case was decided.
Q You examined the business then after that did you not? A Yes sir.
Q The case was finally determined in January 1893? A Yes, yes sir, the 11th day as I remember.
Q Were you present at that session? A Yes sir.
Q Was there any decision of that case other than the one of record here? A I never heard of it if there was.
Q Was the judgment rendered in that case as recorded in this record Book of that Commission now in the custody of the Dawes Commission the only judgment that was rendered in that case so far as you know? A Yes sir, as far as I know, I never heard of any I never heard of it in that case.
Q You then knew of no decision against you in that case? A No sir.
Q Who was your attorney employed at the beginning? A I employed A. L. Hosmer.
Q Was he a Cherokee Citizen? A Yes sir, I think so.
Q Where did he live? A At Clarksville, my understanding.
Q Was he present at any time before the Commission? A I never saw him, he never got me there before the Commission.
Q Did you pay him any money? A Yes sir.
Q How much? A Fifty dollars.
Q Did he ever render any services? A If he ever did I never knew it.
Q Tell them who did you employ? A My brother employed Joel Bryant.
Q Was he a Cherokee citizen?
A That is my understanding.
Q Was he not a prominent Cherokee citizen? A Yes sir.
Q What services did he render? A Well sir, I don't know whether he rendered any or not, only he met me a time or two at Tahlequah, and he was before the Commission; whether he rendered any services

or not I don't know; he was generally always at Washington City during the term-time there.
Q Well what did he do about it? A I don't know, I couldn't say whether he done anything about it. That is Mr. Bryant, he was always gone.
Q What next was done about the employment of an attorney? A Why I got a letter from Joel Bryant that he was going to Washington City and for me to come down in January Tom and Campbell Taylor would come up their before the court.
Q Did he say that he had employed the services of Campbell Taylor the attorney, to attend to it in his absence? A Yes sir, in his absence.
Q Have you got that letter? A I don't think I got the letter.
Q Well what did you do then? A Why when the time come I come down on the City to Muskogee here and I come over here to Judge Gibson and I goes down to see Uncle Houston Benge and stays all night with him; it was very cold weather, and I got him to come over and submit my case to the court; I went over one day and the next day Uncle Houston Benge come over and the next morning after he come over the case was submitted.
Q Did he submit the case? A Yes sir, he told me so.
Q For you? A Yes sir.
Q Were you present? A I was present until they went to take the vote on the case and then we was drove out of their room and they had a secret session, acting on the case.
Q Was Houston Benge present with you? A Yes sir.
Q Were you in the court when he submitted it to them? A Yes sir, when he made his argument.
Q He made an argument before the Commission? A Yes sir.
Q Was the decision rendered on that day? A Yes sir.
Q How long after he made his argument and submitted the case? A It was not but a little bit; when we were drove out of the house the first time before they went into secret session they asked us to set up the cigars to the court and the crowd in the house; after the decision was rendered then I was to set up the cigars, and everybody come up to me and told me to go and get the cigars and I done so.
Q And you took the cigars there and all? A Yes sir, everybody, the attorneys and all that was in the house, all had a cigar.
Q Did they then announce their finding in the case? A Yes sir, they told me that I was granted my citizenship right and by the Commission.
Q What did you do about it then? A [illegible] certificate.
Q That same day? A That same day.
Q What arrangements did you have with Mr. Benge about his fee, and what was the amount of his fee? A There was no arrangements until we got up there and he submitted our case; then he told me to pay him he charged me fifty dollars, that was his fee.
Q What was the agreement about the matter, the manner in which that fee should be paid? A My brother in Texas was to pay it.
Q Were you to write or was he to write? A He was to write for it.
Q Did your brother in Texas ever pay the fifty dollars?
A Yes sir.
Q Was that all that was to be paid? A All [illegible] charges.
Q You heard him speak to Mr. [illegible] Gibson the other day did you not? A Yes sir

Q [illegible] [illegible] [illegible]

Q For [illegible] paid to you? In [illegible] I [illegible], Joel Bryant, he was to look [illegible] for [illegible] out.
Q Did you pay it to Joel Bryant, that is what you mean? A Joel Bryant [illegible] I didn't, and I had to [illegible] Joel Bryant [illegible] Bryant [illegible] Duncan; R. Duncan paid Joel Bryant, Joel Bryant knew [illegible] and got it from [illegible] Campbell Taylor, and I [illegible] twenty dollars or twenty-five dollars; that is all he ever got back from him.
Q How did you get that 25 dollars out of it for Duncan? A I [illegible] after him and telling him to pay that money back to R, he promised no services to [illegible] it all and the money was to go to Joel Bryant, and I finally worked out the twenty or twenty-five dollars, that is all I ever did get back.
Q The amount that he paid to Duncan? A Yes sir.
Q Was this money paid to him, this one hundred dollars, while you were there at the time the judgment was rendered, or was it sent to him afterwards? A I think it was paid them, as well as I recollect about it.
Q You think it was paid then? A Yes sir, that's my recollection now.
Q Did you send him the [illegible] dollars after you went away from there, subsequent to the rendering of that judgment, after it was rendered? I mean, directing him to pay fifty dollars of that or any other sum to H. T. C. Duncan? A No sir.
Q Did you send him a money order hundred dollars in such direction? A No sir.
Q Mr. Duncan, do you know whether it could now be possible for you to obtain from [illegible] Cherokee Nation under this judgment? A Practically it is no.
Q Well about what sum? A About five hundred dollars, maybe near 500 dollars. That is what I considered, I was beat out of some of my money, that is the best out of and expenses.
Q Now I like a statement of what that money was paid for and how, so far as you remember, itemize it about. Tell the first fifty dollars Bryant got; the next fifty dollars Bryant got; that was the attorneys fees; I speak of the attorneys fees now; the next money was the hundred that Campbell Taylor got; the next attorney's fees was Bryant's one hundred dollars.
Q Was that all the attorney's fees? A I think it was, no, wait, I paid Ross 15 dollars for taking Baker's deposition.

Q Which Ross was that? A The old Chief, Will Ross I think was his name, William P. Ross.
Q He then, this Chief William P. Ross for taking the deposition of Dr. Baker charged you fifteen dollars? A Yes sir.
Q Do you mean by that that he acted as your attorney at [illegible] A Yes sir.
He examined him before the Commission, took his statements.
Q What other attorneys were there present? A None of them was present.
Q Well now, go out A For the expenses of this Dr. Baker and he was a Doctor, as well as I was a bar he charged me I was a Cop and I were five and his expenses down there; we [illegible] a ride from Tenneville, Arkansas, to Sallisaw, and for he and his expenses about I think, it was about 75 dollars that Baker got, I see it. Maybe a little over that.
Q Did you pay him a per diem? A I paid him five dollars a day for him to stand then his expenses.

Q Well? A Well I made several trips out here a different times, to Tahlequah before the Commission, and back, three or four trips as well as I remember now, cost me 20 or 25 dollars each trip, as I remember about it.
Q Do you remember any trips aside from the one on which you brought Dr. Baker? A No, I think there was probably three trips I think it was, maybe more, and then I made one trip to Claremore to see A. H. Norwood.
Q What did that trip cost you? A I don't remember what it cost; I went in a wagon down there.
Q You went through and employed Monge, went by railroad; what did that trip cost you? A I don't remember what it was, whether it was 21 dollars or 31 dollars, one or the other, I don't remember which it was; Joe Dawson, my brother give me the money, it was either 21 or 31 dollars.
Q Now then is there any other expense that you know of that was paid by you or your family, any members of your family, other than that you have mentioned? A I don't remember any other now; I can't call to my memory right now.
Q What was the condition of the members of your family generally now, financially, at that time? A Well we were considered poor people, I don't know, we didn't have much money, scarcely any.
Q Was there any one of them that was better off than the others, and if so, which one? A I presume Elbert Dawson was better off than the others, Sol Dawson.
Q Do you know how much Buck Dawson paid of these expenses? A I don't think he paid, he paid the Monge debt and the Bryant debt, I think it was.
Q That is one hundred and fifty dollars? A Yes sir, that he came up on one trip and taken more evidence with Joel Bryant when Joel Bryant was Clerk of the Court before this Tenes Court, I don't know what that cost him.
Q Came up, he came took more testimony? A Yes, came up and went back to Texas, filed his claim and took more testimony and went back to Texas and I didn't see him.
Q Did that testimony include Dr. Baker's testimony? A No sir.
Q You know how many witnesses were examined then? A I only know what he told me.
Q How many? A Four witnesses.
Q You know whether they were residence of the Cherokee Nation or not? A He told me they was.
Q Were you present on that trip in which he came there and took that testimony? A No, I met him there and then I went back home and left him at Tahlequah.
Q He had taken the testimony before you left him or after you? A He taken it afterwards; that was my understanding.
Q Did Buck Dawson only the one hundred fifty dollars that you now remember? A I think it was.
Q And the expense of taking these witness up there? A Yes sir.
Q Who else furnished money now of the members of your family? A My brothers and father lived down in Berryville, he and my brother-in-law, Blassingame, we All chipped in together a few dollars from each family.
Q You heard the statement of C. C. Brought that in June 1902 you told him that it had cost you 700 dollars, did you make any such statement to him? A I never did.
Q And that you paid one witness 300 dollars? A I never made any such statement.

Q Did you pay any witness any such sum? A No sir, I paid Dr. Baker for his time; he said his time was worth 5 dollars a day, and it was, and I paid it.
Q Did you pay any other witness any more than that? A No sir, he was the only witness I took down there in my case.
Q Well the Robert Dawson case? A Yes sir.
Q He says that you told him this in your house there on your place, did you have any house there in June 1883? A I was not living on my farm at that time.
Q Did you have any farm? A Didn't have any.
Q When did you build a house there? A I built a house on the farm I live in now by Mr. Brought, I moved on the farm the last of July, 1883, and I got in my wagon.
Q What did you do? A I went to the timber and cut poles and hauled them out and made me a log cabin on the place by a spring near Mr. Brought.
Q About what time did you finish that house? A It was in September.
Q How long after you finished that house until you brought your family out? A I finished it up and got it covered and the floor in it and I went back to Eureka Springs after my wife.
Q What family did you have then? A I had my wife and she had one child; but my oldest children, by my first wife were with me in the Territory, camping with me; three little boys and one girl were with me, and one girl back in Arkansas.
Q Are you and C. B. Brought on good terms? A No sir.
Q What has been the character of the trouble between you? A Trouble over our places first started it.
Q When did it begin? A As soon as I got back from Arkansas he commenced ridder crowding me out to take my farm away from me, and we have been in a racket ever since.
Q Then his statement that you were on friendly terms, is it correct or not? A No sir, it aint correct.
Q He and you have never been friendly as neighbors then since you first came back from Arkansas and settled in the Territory? A I don't remember ever being in his house; I never was in his house.
Q Have you had law suits with each other? A Yes sir.
Q How many? A I don't know that we had any particular law suits, but I have had law suits and he has been a witness against me.
Q What was your last trouble with him, when I mean? A Along last fall.
Q That was when your boys had a little racket and he had your boy arrested? A Yes sir.
Q What was the age of those boys? A Eleven years old.
Q He had him arrested down at Vinita? A Yes sir, had him arrested and carried before the Commissioner at Vinita.
Q He was discharged on account of his age? A Yes sir.
Q Jack Dawson is dead is he? A Yes sir.
Q How long has he been dead? A Three years, little over three years.
Q And James Dawson is dead? A Yes sir.
Q Is your father, Robert Dawson living? A No sir.
Q When did James Dawson die? A I don't remember, been dead several years, I don't remember how long, 6 or 7 years, I couldn't state.
Q When did your father, Robert Dawson die? A I believe it was in '87 as I remember now, I wont be positive.
Q And all these moved to the Cherokee Nation before their death? A No sir, father died in Arkansas.

Q Those that lived here in the Nation they lived here in the Nation but went back to Arkansas and died there? A Well the rest of my folks all lived here. That was James Dawson and Buck Dawson.
Q Robert Dawson, your father, never did move to the territory, did he? A No.
Q Did you hear the statement of the witness Beavert this morning, that about the time of hearing of the James Dawson case, at a negro church at night James Dawson came down there with someone else was introduced to him, and he loaned him ten dollars; did you hear that statement this morning? A I heard the statement, yes sir, I heard it.
Q He says that Jim James Dawson was 35 or 40 years old; was there any James Dawson living belonging to your family at that time of any such age? A No sir.
Q How many James Dawson's were there belonging to your family? A There was my uncle James Dawson and a brother James Dawson, the Doctor here.
Q How old was your brother James Dawson then? A He was a tolerable old man, I don't know his age.
Q About what age? A I'that have been 60.
Q Between 60 and 70? A Yes sir.
Q That was the age of your brother James? A At that time?
Q Yes sir, in '84? A In '84 I suppose he was about 18, something like that.
Q Had he anything to do with the James Dawson case? A No sir.
Q Was he present at the time that the James Dawson case was under consideration? A No sir.
Q Was James Dawson, your uncle James Dawson, present at any time during the consideration of his case? A No sir.
Q He never was present? A No sir, if Uncle Jim Dawson was ever in Tahlequah I never knew it.
Q Who conducted the prosecution of the James Dawson case before the Cherokee Citizenship Commission, who conducted it? A The James Dawson case?
Q Yes sir? A I think James Low and Will Jackson and Campbell Taylor.
Q Were you acting with them? A Yes sir.
Q They employed Campbell Taylor? A Yes sir.
Q Then there was no James Dawson present during that session of the Commission? A No sir.
Q What was the condition of James Dawson's health at that time?
A It was pretty poorly; was not good.
Q Was he at that time able to get about and attend to business?
A I don't think he was.
Q Was he not a very feeble minded old man at that time? A Yes sir.
Q Regarded as rather a silly man was he not? A Yes sir.
Q Did he attend to any kind of business of the family at that time?
A No sir, didn't.
Q What was his financial condition? A Pretty bad.
Q Did he have any money? A No sir.
Q Did he have any property? A None hardly at all; horse probably, or a cow or two, something that way.
Q Was that about all the property he had? A Yes sir.
Q How about the other members of his family that were admitted at that time; what was their financial condition? A They were in poor circumstances.
Q Now then after these judgments were rendered what members of your family removed to the territory, Cherokee Nation, I will say?
A Robert Dawson and family and James Dawson and family, that is, they and their children.

Q Robert Dawson didn't remove here? A No, I said except Robert Dawson.
Q Did all the members of Robert Dawson family move here? A Yes sir.
Q Except himself? A Yes sir.
Q And all the members of James Dawson family? A No, not all the members, Melvina boy I don't think ever lived here.
Q She has never moved here? A No sir.
Q Well all the members of your family, your father's family included in that judgment of the Committee, rendered January 11th, 1883? A All but one.
Q That was the name of that one? A Mina.
Q A daughter? A Daughter of Robert Dawson.
Q Your sister? A Yes sir.
Q Was she then of age or was she a minor? A I think she was a minor, as well as I can remember.
Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.
Q By a Commission or by the Cherokee Council? A She was first admitted by the Spear's Court, her and two of my neices.
Q What are their names? A Katie Vernon and Verna Fishback.
Q What became of that? A The certificate papers they got was lost, and they went before the Council in 1894 andthey was readmitted back by the act of Council.
Q That was in 1894, the Cherokee Council admitted, re-admitted as they called it, the three above named? A Yes sir. Mary and Verna Fishback and Katie Vernon, they have now the same names now except Vernon, it is not; Tob Robinson married the wife, a niece of mine.
Q Now then was there any other consideration of the Dawson case by the Cherokee authorities at any time aside from these two judgments in '83 and '84 admitting the two families of Robert and James Dawson, and the act of Council of '94 admitting these three that you have just named? A Yes sir.
Q When? A My two of my sons was placed on the roll by the act of Council in 1892 I think it was; left off of the rolls in per capita payment and they was placed on the rolls I think, and Sam Hitchingh member of Council, got their draft or checks for the money.
Q Have you got that copy of the act of Council admitting them?
A Yes sir.
Q There is it? A (Produces papers.)

BY MR. McCUNIGH: We offer in evidence an act of the Cherokee National Council making an appropriation of $5,000 dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount set opposite their respective names, provided that the Principal Chief shall draw warrants for such amounts, and further provided "That the names of the persons appearing on the per capita rolls in this act shall be placed (on) the authenticated roll of 1880 by the Principal Chief."
This act was approved December 21, 1891.
Approval signed by Stephen Tonee, Assistant Acting Principal-
In this list appear the names of Willia. R. Dawson for payment of $13.70, and of Marion Dawson, for a like sum. Are those the names of two of your sons? A Yes sir.
(The paper above introduced, is filed and made a part of the records in this case.
Q Was there any other action of the Cherokee authorities relative to members of your family? A Yes sir.

Q Then? A In 1894.
Q What was that? A Allowing them their Strip Money.
Q Have you a copy of that? A I think I have. (Produces papers.)

BY MR. McKENNON: We offer in evidence a duly certified copy of an act of the Cherokee National Council approved November 24, 1894, signed C. J. Harris, Principal Chief. Senate Bill No. 19, appropriating a sufficient amount of money to make payment per capita of what is known as the Strip Money to certain persons named therein. Among them are members of the Blassingame family, as follows: Jane, Elbert, Henry, James Ross, Lennie, Pearl, Amos, Myrtle, Minnie and Clifford; this act mentions these persons as Cherokees by blood, and whose names had been left off the pay roll approved May 3, 1894, providing a payment to each one of these a sum of $265.70.

Q Were these members of the Robert Dawson family? A Yes sir.
Q Which one of the members of the family? A Jane.
Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.
Q And her children? A Her children, was not admitted, she was admitted.
Q I mean this mentions her children here? A Yes, that mentions her children.

(The paper last above introduced is filed and made a part of the record in this case.)

Q Do you know whether the payment of the Cherokee Strip money was to Cherokee citizens by blood only or not? A Yes sir.
Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A Why the Douthett children, my brother's grand-children. Two grand-children of F. Dawson.
Q What was that? A That, I think it was in '84.
Q Have you got a copy of that act? A No, the record is here.
Q Was that by the Spears Court? A Yes sir, by the Spears Court.

BY MR. McKENNON: We now offere in evidence a judgment of the Cherokee Commission on Citizenship, 1880 and 1884, found on page 190, case No. 181, dated September 9th, 1884, signed by Eli Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Lula Douthett and Dallas Douthett as Cherokees by blood.

Q Those now are the Douthetts to which you refer, are they? Yes sir.

BY MR. McKENNON: Attention is called to the fact that the names of the Commissioners are all signed in the same hand-writing as the record of the judgment.

The said judgment record above introduced, and found on page 190, No. 181, record of 1880 to 1884, is as follows:

"Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, September 16th, 1884.

F. Dawson, for his grand-children, No. 181.
Lula Douthitt,
Dallas Douthitt,
vs
The Cherokee Nation.

C. H. Taylor, Atty for Claim.

Petition filed Septe[illegible] 14th, 1884.

Case submitted by claimants Sept 14th, 1903.
Case submitted by Solicitor, Sept. 14th, 1903,
Continued by Petitioner Jan 28 1904 to September Court 1904.
Re-submitted September 2nd 1904, by Attys Taylor and Benvert

Submitted by defense Sept 9 1904.

And now on this the 13th day of September 1904 comes this case for final hearing and all the evidence in the case having been carefully read, and considered by the Commission on citizenship it has been decided by the Commission that the above named Lula Douthett and Dallas Douthett are Cherokee by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

Ell Sparks, Jr a.
John Lee,
John L. Adair, Andrew Young,
Clk Com'n. Commission on Citizenship."

Q Now were there any other actions of the Cherokee authorities of like character relating to the members of your family?
A I don't remember of any others.
Q I will ask you if when the Cherokee authorities were making the roll of 1896, in compliance with the request of the Dawes Commission for a roll to be prepared by them for the use of the said Commission, the question of the citizenship of the members of your family was not then raised and an investigation had in a and to it? A Before the Dawes Commission?
Q No, before the Cherokee Commission making the roll of 1896, of which John T. Gunter was a member? A Yes sir, yes. I had forgot it, but since you have named it there was some investigation of that at that time; this is what I understood.
Q That roll shows that the members of your family were duly enrolled by the Commission? A Yes.

Q Have you and the other members of your family since your removal to the Territory in 1837 and immediately following been recognized as Cherokee citizens by blood? A Yes sir.

Q Have you been exercising and enjoying all the rights of Cherokee citizens by blood since that time? A Yes sir.
Q You and all the members of your family are living in the Cherokee Nation? A Yes sir.
Q You have all drawn Cherokee moneys whenever payments were made? A Yes sir.
Q And have you all also members been voting at the Cherokee elections or in the Cherokee elections? A Yes sir, I was one of the judges of the elections that was held voting on the treaty.
Q What treaty? A The treaty bill that was sent back here for the Cherokees to vote on; I was one of the judges at Afton.
Q In what year was that? A I believe it was last spring some time, last April.

Q Have any of you held any offices in the Cherokee Nation? A Yes sir.
Q What offices have the members of your family filled? A Deputy Clerk, under Pete Hastings, when he was clerk of Delaware District, I was a candidate once for Council in the Downing Party.

Q Can any office of deputy clerk be held by any one else except a recognized citizen? A Only by a citizen, yes sir.
Q Is that all? A (No reply).
Q Have the children of members of your family attended the public schools, and been educated in Cherokee schools? A Yes, sir.
Q Have the members of your family been all the while subject to the jurisdiction of the courts of the Cherokee Nation? A Yes sir.
Q Have they been tried for any offenses against the laws? A Yes sir.
Q And have they instituted their civil suits in the courts of the Cherokee Nation? A Yes sir.
Q And had suits instituted against them in such courts? A Yes sir.
Q Some of these cases have gone to the Supreme Court of the Cherokee Nation? A Yes sir.
Q And were passed upon by that tribunal? A Yes sir.
Q Is there anything else? A Nothing, now; I am sick this evening; I have got my head-ache so bad I can't hardly see.

BY MR. HUTCHINGS:

Q How old was your father Robert Dawson when he died? A I don't know, I couldn't answer that.
Q He was a very old man? A Yes sir, he was getting tolerably old.
Q Could you tell how much older he was than you? A No I don't know.
Q Mr. James Dawson in 1884 must have been a very old man, mustn't he? A Well he was old and he was feeble.
Q Well you stated that he had become so silly; was he naturally that way? A He used to live in Texas; I didn't know him until after he came to the Territory.
Q I say he had gotten so old, that was the occasion of that? A I suppose so, the oldest one of these children was Mrs. Betty Peter, that's my understanding.
Q And the oldest boy was John Dawson? A We always called him Jack.
Q Jack Dawson he was the oldest? A Yes sir.
Q Sal was the youngest? A Sal Riley.
Q He was the youngest one of the crowd? A Yes sir.
Q Your father lived four or five years after he and you were admitted to citizenship? A Yes sir, something about that, it was in 1887, I think he died in 1887, I wont be positive; that is as near as I remember now. I have got a headache so bad that I can't remember anything.
Q Were none of the older members of the family there ever present at any of these trials of citizenship? A No sir, not any of the time.
Q Not a one of them was ever called upon to testify as to the age of their father, who he was or anything about it? A I don't think they was.
Q Your claim of kin was through Captain Joe [illegible] was it that your grandmother was the half sister of Big Joe Vann, isn't it? A I don't know, I couldn't answer the question.
Q You were there when they took the testimony? A I was there when Dr. Baker's testimony was taken, that was about 15 years ago.
Q And nobody kin to the Rogers and Vanns was ever called to testify in the case? A Not as I know of.
Q They are very well known Cherokee families in the country? A I suppose so, I don't know.
Q And yet nobody on any side of the family connected with it was ever called to testify? A Not that I know of, I don't know what my brother done, he testified some of the evidence at Tahlequah which I was not there; I first file my claim.

Q You had spoken to Dr. Baker about the testifying before you brought your case didn't you? A No sir,
Q Must have been a short time afterwards? A It was a short time afterwards. I went back after him and it was too late and I fetched him the next time.
Q You had talked to your brother about it but you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our folks.
Q You had told him in a general way you expected to use Dr. Baker as a witness? A Yes sir.
Q You went off, came to Arkansas and left your brother at Tahlequah after you told him that fact? A Yes sir.
Q You didn't see your brother any more until after you were admitted? A No sir.
Q You and he however made trips back and forth to Tahlequah and here at different times, but you didn't happen to get together? A No. I never met him any more and I don't know what he was there until after we were admitted.
Q But you were there and brought Dr. Baker over? A Yes sir.
Q And took his testimoney a year or such a matter before ever you were admitted? A I think as well as I remember, yes sir.
Q How the way you came to get Campbell Taylor was on the recommendation of old man Bryant? A I didn't get him, didn't use him.
Q The way he came into your case? A The way he claimed to come in.
Q He did more in your case than Bryant did? A Campbell didn't do anything.
Q What did Bryant do? A I think he help my brother take evidence my brother employed him.
Q How did you happen to be sending money by Campbell to Mr. Duncan? A I never sent him any money.
Q Then when he, Mr. Duncan, states that Campbell delivered the money as Campbell said he did, both were wrong? A Oh no, you are mistaken, Mr. Duncan got 20 or 25 dollars, which he stated, from Campbell Taylor, for me.
Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryant, and he wouldn't do it, and I tried to get the money back from him, and I finally worked the 20 or 25 dollars he gave to Duncan.
Q Then you didn't tell Duncan as he testified that you sent 20 or 25 dollars by Campbell Taylor? A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for me of the money I give him to give to Joel Bryant.
Q The family kept Campbell Taylor employed though as their attorney after that? A In the James Dawson case I think so.
Q E. Dawson, you remember, had him for his grand-children? A That is my understanding.
Q And your uncle James Dawson nothing in the case of the children? A Uncle James had nothing to do with it; James Lowe and Bill Jackson got him, that was my understanding of who employed him.
Q The record here shows that the case was originally instituted by C. E. Taylor and was finally submitted by him September 21, in the James Dawson case? A I don't deny him being in there.
Q You say he was employed in the E. Dawson case? A I don't. I say he was in the Deathett children's case.
Q The record shows that Campbell Taylor instituted the case, and it was finally submitted by him, and Mr. Beavert, who testified a while ago? A That was in the James Dawson case, wasn't it?
Q That was in the E. Dawson grand-children? A Elbert?
Q No, in the Deathett children's case? A Oh yes.

Q He was likewise attorney in the Mary Dawson case was he, and was for the Adair court, the 4th of October, 1887, in the case of James K. P. Dawson? A I don't know anything about that.
Q And the case likewise of Filey Dawson? A I don't know anything about those.
Q They are relations of yours? A Well I couldn't say.
Q James K. P. Dawson proves to be a son of Filey Dawson? A Well if he is he is my connection then. There are so many Dawsons I don't know them all.
Q You know Andrew J. Dawson? A Yes sir.
Q The Dawsons have so many children their brothers didn't hardly know who did they? A That's it, I don't know them.
Q Well then you don't know who Andrew J. Dawson is? A No sir, I don't know.
Q It says here in his application he and a cousin of W. D. Dawson, and yourself, do were admitted to citizenship by the Adair County Court? A He may be, I don't know nothing about it.
Q He resided I believe, at that time at Nevada, Missouri? A I don't know anything about the people.
Q Old Jim Bider was an old and paralyzed man at the time he testified wasn't he? A Getting old, he was not paralyzed.
Q Then the statement made that the reason he couldn't write his name and had to make his mark, because he was paralyzed, in the testimony isn't that true? A He didn't have good use of his fingers.
Q Then he was not paralyzed? A No, I brought him over there in a hack from Berryville, Arkansas.
Q Well I say he was a very old man? A Yes, getting old.
Q How didn't you come to this case and then join, Mr. [illegible] work on it some time before you got all your family? A No, I brought my family with me, except my wife.
Q And you subsequently built a log house on it? A Yes sir.
Q And went back and got your wife and moved them to the log house? A Yes sir, went to Pineola and got my wife.
Q You never saw your grandfather at all? A Sam Dawson, yes sir I saw him.
Q You remember do you of being with him much of any at all? A I was in Texas in time of the war, with my uncle Filey Dawson, and he was there.
Q In '60 sometime? A '62, I reckon, or '63. Some where long there, in '62 in time of the war.
Q How old a man was he at that time? A Pretty old man.
Q You never saw your grandmother, she died before she came?
A Yes sir, I never saw her at all.
Q Who first started the citizenship matter, your brother [illegible] or you? A Why it was me, and my brother together.
Q I mean who first conceived the idea? A I [illegible] about it.
Q And sent down for him? A I was in Texas with him and [illegible] Arkansas; I went backwards and forwards a time or two after [illegible].
Q About that time nearly everybody in Arkansas were [illegible] a claim of kinship to Cherokees? A No sir, not at that time.
Q There were getting mostly their in there in '60? A Well in '3 and '4 and '5 I think.
Q Were you excited about over there to get yourself [illegible]
A Just got to be everybody; but it wasn't [illegible] at Fort Gibson there was not much air about it in the town.
Q Well the matter had been settled before that? A I [illegible] there was not much excitement over it as there was [illegible] time.

BY MR. HASTINGS:

Q You did locate that house with Sam Sheblon when you first came to Tahlequah in '81? A I think I did.

Q Your brother Jack Dawson stayed there also? A Yes sir.

Q Sam Sheblon lived in the north end of town, old German? A Yes sir, old German, lived in the lower part of town.

Q Did you ever hear the name of any other witnesses which you state perhaps testified in your case? A I have heard, but I have forgot them.

Q You don't recollect any name now? A I don't remember them, no sir.

Q In the Irene House case and Joanna Archer case, in which you testified before the Commission, when you were making search for this testimony you couldn't find any other testimony from that of record except the Dr. Baker testimony, could you? A That's all we could find, no we didn't find the testimony, we got a copy.

Q Well it must have been a copy of the original, the certificate shows that? A I don't know; James got a copy of what claimed to be the affidavit of Baker and he told me to give it to him; that is all I know about it.

Q Well the certificate there does not bear the certificate does it? A I don't know about that, I am no scholar.

Q Well you didn't get the testimony of any other witness except that of Dr. Baker; you couldn't find any other over there of record? A I didn't look for any; House hunted for them.

Q None of you have ever been able to find any other? A No. Not even find our petition.

Q Samuel H. Dawson applied to what is known as the Adair Court, didn't he? A I don't remember now.

Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.

Q The father of these two parties who testified here this morning? A Well I don't know, they claimed to be, I never met them to know them.

Q He was rejected by the Adair Court, or Mayes Court? A I don't know whether he filed his petition.

Q Did you testify in his case? A I don't remember; I might have done it.

Q Didn't you testify in the Andrew J. Dawson case before what is known as the Mayes Court? A I don't recollect, if I did I don't remember.

Q Did you testify in the Silas Dawson case? A No sir, not that I remember.

Q Didn't you know of his being rejected by that court? A I don't remember, sir.

Q You know that the Cherokee Council never authenticated that roll of 1896, don't you? A No sir, I don't know it; I didn't know this was done until I went to Tahlequah after some papers and could hear and they told me about it.

Q You never found out that C. H. Taylor was a big rascal up until the present time have you? A (No response)

Q The records here show that he has been in the constant employment of your family from that date up to this time? A Why it shows here from the record; I could rather be excused for any part of it.

Q You were the man that had most to do with it? A I never employed him, I own my that.

Q You are the man that had most to do with the records? A In my case and in my father's case.

Q Didn't you testify for your uncle Jim Dawson? A Yes sir.

Q Wasn't he attorney for him? A Yes sir.

Q Wasn't he employed by Jim Dawson after you got your citizenship?
A Only for the grand-children.
Q Jim Dawson's petition was filed in September 1887, before yours?
A Yes sir.
Q C. M. Taylor, attorney of record, filed his petition? A He might have filed it for all I know.
Q Well you hadn't at that time fallen out with C. M. Taylor had you? A Why no, we never did have any trouble, only over his money, he never would give it back to me or give it to Bryant.
Q You never discovered that he was such a bad man until after your judgment was rendered? A I knew he was not of good character.
Q Are you and Bronaught, this man who testified for the Cherokee Nation, on speaking terms? A Hardly speak.
Q Does he refuse to speak to you? A So sir as he does.
Q Do you refuse to speak to him? A Yes sir.
Q Have you been speaking to him for the last two or three months? A I have not spoke to him until I met him there at the hotel the other day.
Q First time you spoke to him since he had the boy arrested? A Yes sir.
Q When did he have the boy arrested? A Along in September or October, September I think.
Q When did Dr. Baker die? A I don't remember.
Q You don't remember how much older your father was than you?
A No, I don't know.
Q What is your age? A I will be 60 in May.
Q Then you were born in '42? A Yes sir, '42 according to the record.
Q Was your father as much as 25 years old when you were born?
A I couldn't say.
Q What was your best judgment? A I suppose he was 20 or 30 years old. My understanding he married young.
Q Can't you give any better idea than 4 or 5 years of your father's age? A I say 25.
Q Your father was born say, 25 from 42 would have make him be born in 1817; now had your father any older brothers or sisters? A I think Jack Dawson was the oldest of the family, no, Betty, the girl, was the oldest and Jack next, and then my father as well as I remember about it.
Q There were two girls older? A No, one of the girls I never saw.
Q Then you think there are only 2 older than your father? A Yes, that's my understanding of the family.
Q Dr. Baker gives his age 73 in '82, which would make him be born in '89, now he states that when he was 18 or 19 years old, which added to 1809, will make 1824, that your grandfather Anna Priest, was a school girl; whereas from your testimony and that of the family history introduced here shows that your grandfather Anna Priest was the mother of seven children, the youngest being born in 1827, how do you reconcile that? A I don't remember about the statement of Dr. Baker; I don't know that he made such statement as that, I don't remember about it.
Q And if he did you don't know how to reconcile it? A (No response.)

Q Did you talk to any of the members of the Court that admitted you? A No sir, I was not acquainted with them.
Q You know whether they were old or young men? A They were old men like: Steve Tahee. I not acquainted with him afterwards, and Tom Thompson, at the Council you know I was there a good deal.

Q That was the fellow that was on the Court? A Yes sir.
Q He was afterwards Assistant Chief of the Cherokee Nation?
A I think so.
Q Steven Tehee, that's the man you had reference to? A Yes sir, I think it was, I just knew the man; I had no acquaintance with him at all.
Q D. W. C. Duncan boarded when you were down there at the National Hotel? A I think he did, as well as I remember now when we were admitted.
Q Don't you know he did? A I think he did, as well as I remember.
Q Were not you over there to his room? A I think I was.
Q You remember when it was that you brought Dr. Baker down there to make a statement before the Court? A It was in January, Ter., was in January Term of 1882 I believe, it was, as well as I remember about it.
Q Well you didn't take any more testimony after Dr. Baker testified?
A No sir, I didn't.
Q But your case was not submitted or passed upon for a year?
A I think it was, yes sir, as well as I remember.
Q I would like to ask you when the Blasingame family came to the Cherokee Nation? A Alex Balsingame came with us when we moved here, and went back and got his family and moved that fall.
Q Did he move his family here that same fall? A Yes sir.
Q What year was that? A In the fall of .83 I believe it was, as well as I remember now.
Q When did the Sulaska family come? A I think the girl and the old lady came in the next spring.
Q How long did they remain that time? A The old lady stayed here, but the girl went back and in a short time her and her husband came back.
Q Did she come back until after her marriage? A No, she was married when she came first.
Q The last time? A She was married I think, she was married when she came out.
Q How long has August Sulaska been a permanent and continuous resident of the Cherokee Nation? A I think he came there in the fall of 1884 or 1885, I wont say which.
Q How long has Robert Pierce been a continuous resident of the Cherokee Nation? A Ever since he was admitted.
Q When was that? A '83.
Q How long has Martin L. Patterson? A Ever since he married his wife, and he was living here before he married his wife.
Q Who is Arizona Alrey? A That is my daughter.
Q Did you bring her with you? A No not when I moved.
Q When did she come? A She came out in a year or two after I moved here.
Q Was she married when you moved here? A No sir, she was not married.
Q She was not married when you were admitted? A No sir, she was a child.
Q When did Jim Lowe come to this country? A With his grandfather, James Dawson.
Q What was his mother's name? A Melvina Dawson.
Q You know Jim Lowe's age? A No sir.
Q Don't know how old he was in '83? A No sir.
Q Was he grown? A I think he was.
Q Married? A No no.
Q Married in this country? A Yes sir.
Q Who is James H. Hanson? A Married one of the Jackson girls.

Q When did they come to this country? A Right away after they were admitted.
Q In what year? A I think the winter of '84, I think it was, spring or winter of '84.
Q You know Sidney Graham? A Yes sir.
Q Who is his mother? A Missouri Ann Graham, formerly Missouri Ann Dawson.
Q Did he come from Texas to Arkansas? A Came from Texas.
Q Did you know that in Texas? A I knew the girl.
Q You never knew them until they came to this country? A I never saw him.
Q When did you see him first? A I think they came here in the fall or winter of 1884 or '5.
Q He was married then? A I think he was.
Q Brought his wife? A I think he was, I don't know.
Q Did he have any children when you first saw him? A He came to my house and I never saw his family for I don't know, for several years.
Q You understood he had a family? A Yes sir.
BY MR. MCKENNON:
Q Did you mean to say '84 or '94? A '84.
Q Did you see Sid Graham in '84? A '04, let's study, March '85. BY MR. HASTINGS:
Q Did you see him in '05, are you positive on that proposition? A I think so.
Q Will you swear it? A No sir, I want positive swear it, but I think it was, as I remember now it was; I couldn't say positive.
Q All the people Mr. Dawson that have been admitted to citizenship by courts of competent jurisdiction unless they were de-citizenised by courts of required jurisdiction, enjoyed the same privileges that you have mentioned here about going to school and being tried in the courts? A Yes sir.

Q All that sort of thing that you have been telling here in your direct examination? A Ask me the question again.
Q I say all people who were admitted here by courts of competent jurisdiction, until they were de-citizenised by courts of like jurisdiction, enjoyed the same privileges that you did? A So far as I know they are.
Q They all drawed money and all tried in the courts as long as we had tribunal courts, were they not? A Yes sir, so far as I know.
Q There was no special privilege granted to you in preference to anybody else? A None but recognised citizens of the Cherokee Nation.
Q Well you had been recognized since you were admitted? A Yes sir, I enjoyed the same privileges of native born Cherokees.
Q Well I say there is nothing special about it? A No, I don't know as there is.
Q You got acquainted with Mr. Duncan while you were up there during the hearing? A Yes sir, I was acquainted with him, knew him. Met him.
Q Mr. Neal Rose did the examination of Dr. Baker? A Yes sir.
Q Did you file any other paper before the Court other than your petition and then Dr. Baker's statement? A I never filed any petition there at all.
Q Paper whatever? A I can't remember any.
Q Well you never had occasion to file any papers before Mr. Duncan? A I got him to do some writing for me.
Q What? A Letters to my brother in Texas.
Q Buck Dawson? A Yes sir, R. Dawson.

Q That? A Yes sir, Mack Dawson.
Q Well is that all he did for you? A I don't remember any more about it.
Q Why didn't you get your attorney to do that letter writing? A There was not any there.
Q Taylor nor Benge was not there then? A No sir.
Q That is what you paid the 30 or 35 dollars for, was writing this letter back to your brother? A I paid him for that claim.
Q When did you pay him? A I think I paid it, I don't exactly when Carr Taylor paid him a year or two after I owned out here and settled where I did; might have been 2 years. I don't remember.
Q There was Duncan living then? A I couldn't say where.
Q Was he still clerk of this Court? A No sir, not when the money was paid; that is, when Carr Taylor said he paid it.
Q You did send Carr Taylor some money? A I sent some money to him for Joel Bryant.
Q You knew Joel Bryant's address didn't you? A No, I don't know that I did, No I didn't send Carr Taylor any money, I gave it to him.
Q How much did you give him? A One hundred dollars.
Q When? A Right at that time, he claimed it from me as soon as we got our papers, he come onto me and demanded it for Bryant.
Q You never sent him any then after that? A No sir.
Q Did you ever see Bryant after that? A Yes sir
Q How long after that? A I don't know, a year or two afterwards. a year I believe, my brother wrote, I wrote to my brother about paying Carr Taylor money and he went over my brother about it and he never paid him until we moved out to this country.
Q After all that you got him to attend to your uncle Jim Dawson's and the other relatives cases? A The other parties did.

BY MR. McKENNON:

Applicants object to all that part of the witness' evidence in response to interrogatories by representatives of the Cherokee Nation which relates to the character of the evidence upon which the judgments admitting members of the James and Robert Dawson families were admitted, and to the history of the members of the Dawson family, because the same is immaterial, incompetent and irrelevant.

BY MR. McKENNON:

Q One question I omitted to ask you Mr. Dawson, as to the Court at the time the judgment admitting Robert Dawson's family was rendered, who of the judges were present on that day? A They was all three of them, Wolfe, Tehee and Thompson.
Q Are you positive of that fact? A Yes sir.
Q You do not know this Andrew Dawson family who applied to the Dawes Commission for Cherokee citizenship, nor who stated that they are cousins of some members of your family? A Andrew?
Q Andrew J. Dawson, who claims to be from Missouri? A How is the question?
Q You do not know them do you? A I don't know them, they are any kin to us.
Q You don't know that they are related to you at all? A No sir.
Q This Mary Dawson case, do you know the members of that family? A No sir, I don't.
Q Don't know who they are? A No sir.
Q The Rebecca Dawson case? A I don't know her either.
Q You don't know whether they are related to you or not? A No sir.
Q If any of these persons are related to you or your family did you have any knowledge of it? A Not as I know of.

Q Jonthe Barber, do you know anything about them? A They claim to be kin to me.
Q Where are they from? A They are from Texas.
Q Do you know they are related to you? A They claim to be kin.
BY MR. HASTINGS:
Q Well you swore for the before the Commission? A Yes, they claim to be Cherokee of kind.
BY MR. McKENNON:
Q Irene F. House, who is that? A That is a cousin of mine: claims to be.
BY MR. HASTINGS:
Q You testified for her didn't your before the Commission? A I think I did as well as I remember.
BY MR. McKENNON:
Q Before the Court that admitted Jim Dawson Artificially, who were the witnesses there? A Oliver Miller from Gentryville, Arkansas.
Q Who were the others? A Myself and Jim Dawson and there was two other witnesses, I don't remember who they are.
Q Were they Cherokee citizens and residents of the Cherokee Nation? A Yes sir.
BY MR. HASTINGS:
Q You don't remember their names? A Which?
Q Of those other people who claimed to be citizens of the Cherokee Nation and who were witnesses? A I said about me and Jim Dawson was citizens of the Cherokee Nation.
Q You only proved that Jim Dawson was a brother of Robert Dawson before the Court? A Yes sir.
Q And then referred back to the decision in the Court before? A We proved that they were citizens, and me knowing folks before as ever come here.
Q Was he older than Dr. Baker? A About the same age.
Q Why didn't you get Oliver Miller's testimony in the House case?
Q He was dead.
Q You and no member of your family in the Irene House case or the Jonthan Barber case or any of those cases that were tried before the Dawes Commission in your affidavits ever had reference to the fact that Oliver Miller testified in Jim Dawson's case in '84 did you? A I don't remember about that.
Q You did make reference to the fact that Dr. Baker testified there in '84, didn't you? A I don't remember about that now.
Q You never made reference to any other witness having testified other than Dr. Baker didyou? A I don't remember about it now.
BY MR. McKENNON:
Q Now just one other question: All of these papers in the original application and everything, so far as you know, in the James Dawson case, were filed before the Commission which admitted the James Dawson family, are lost or mislaid are they not? A I am sorry they are, I don't know, I never saw them.
Q Have you tried to get copies of them? A Yes sir, I tried to get the original papers.

MR. COURTRIGHT: This case is continued until 8:30 a.m., tomorrow morning, March 20th, 1922, it now being the hour for adjournment.

March 20, 1922.- 8:30 a.m.- F. P. DAWSON, [illegible], testifies as follows:
BY MR. McKENNON:
Q There was your brother Jim Dawson raised? A In Arkansas.

Q What County? A Carroll.
Q How far is town? A Berryville.
Q Did Dr. Baker live at Berryville? A Yes sir.
Q Was your brother definitely acquainted with him as you say so?
A Yes sir.
Q Did he know him sufficiently to be acquainted with his character and habits of life? A Yes sir.
Q Do you know Josephine Pierce? A Yes sir.
Q Whose daughter was she? A Robert Dawson's.
Q Is she the one identified [illegible] who is called Josie Pierce, and Josie Dawson? A Yes sir.
Q Is there any other Josie Pierce or Josie Dawson or Josephine Pierce or Josephine Dawson? A I don't know, but it one.
Q She was also called Josephine or Josie Kelly? A Yes, after she married; her first husband was Pierce.
Q And her second husband A Was Kelly.
Q There was another Josephine Dawson wasn't there, Bulaski's wife?
A Why they called her Joe, I suppose that's her name, I could not be positive; that was Rile Dawson's daughter, August Bulaski's wife.
Q She is much younger than your sister, Josephine, above referred to? A Yes sir, oh yes.

BY MR. HUTCHINGS:

Q Where were you born, Mr. Dawson? A Carroll County, Arkansas.
Q You know how old you are? A 42.
Q 42? A I think so.
Q How many older children were there of your father's when you yourself? A Three.
Q Which were they? A E. Dawson, Riley Dawson and Jasper Dawson.
Q You are the fourth child and the fourth boy? A Yes sir, fourth boy.
Q Where were your father and mother married, do you know, from family history? A I think it was in Arkansas, I couldn't be positive, I think they was.
Q Do you know how long your grandfather lived in Arkansas? A No sir I don't.
Q Don't know what year he came to Arkansas? A Only from statement.
Q Tell what did they say about it? A I think they came there in '30.
Q You know whether your father was born in Arkansas? No any of your grandfather's children were born there? A There was none of them born in Arkansas according to history and according to what he always told me, they were born in Tennessee.
Q He came there in '30, and all the other children were born on the Hiwassee River in Tennessee, before he ever came? A That is what I think, yes sir. Now I am not positive about that. They were from Tennessee, but either Dr. Baker lived there or my folks came from there; I don't know as I remember that I ever heard my father say where he was born at.
Q In Tennessee or where; he said he was a good big boy when he came to Arkansas? A I don't know, as I ever heard him say.
Q Do you know the difference in the ages of yourself and your three older brothers? A No I don't.
Q Don't know the time that comes in between you? A No I don't know that; I think it is about two years though.
Q That would make E. Dawson about eight years older than you, probably? A Yes sir.

BY MR. McKENNON:
Q Did Josephine Pierce have a daughter who married Mr. Bogle?
A Yes sir.
Q What was her name? A I always knowed her by Dode Pierce; I don't know whether that is her right name or not.
Q That is Bogle's name? A John Bogle.
Q She is the child of Josephine Pierce who married John Bogle?
A Yes sir.
BY MR. HASTINGS:
Q Where did she marry John Bogle? A Near Afton.
Q When? A I couldn't state.
Q About when? A You have got a copy of the marriage license.
Q When did Josephine Pierce come to the Cherokee Nation? A '83.
Q Has she lived here continuously since that time? A Up until her death; she is dead.
Q Any of her children come with her at that time? A Yes sir.
Q And have they lived here continuously since that time? A Yes sir, except Bill Pierce, he went to Colorado and died.

J. C. STARR, being first duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q Your name is J. C. Starr is it? A Yes sir.
Q Mr. Starr, was that instrument taken by you, or before you? (Showing witness document.)
A Yes sir.
Q Where? A At the residence of S. H. Benge: near Fort Gibson.
Q When? A On the 15th day of this month.
Q What day of the week was that? A On Saturday.
Q Is that the day it was taken? A Yes sir.
Q Did you go there on Saturday to take this? A Yes sir.
Q Then when Judge Benge stated on Tuesday that it was taken "yesterday" meaning Monday, the 17th, he was mistaken, was he?
A It was taken Saturday, the 15th.
Q Was he mistaken or not? A It was not taken then.
Q Then his statement made on Tuesday the 18th that it was taken on "yesterday", meaning Monday, the 17th, was not correct, was it?
A I think not, because I was there, and it was taken on the 15th.
Q And it was taken on the 15th, you are positive it was taken on the 15th? A Yes sir.

Q Then of course his statement could not be correct? A I guess not.
BY MR. HASTINGS:
Q He was just mistaken about the date, wasn't he? A Yes sir.
BY MR. McKENNON:
Q Did you tell Charles T. Moore who is now present, on last Tuesday that they sent you out there on Monday to take that? A No sir.
BY MR. HASTINGS:
Q I sent you there last Saturday? A Yes sir.
Q And you went there at my direction, didn't you? A Yes sir, and come back Saturday night.

ROBERT L. DAWSON, being first duly sworn, and being examined testified as follows:
BY MR. McKENNON:
Q What is your name? A My name is Robert L. Dawson.
Q What is your age? A My age is something close to 30 years old, I am 28 past.

Q Are you a son of E. Dawson, commonly known As Buck Dawson?
A Yes sir.
Q I will ask you if you will examine this letter sent with the enclosure and state whether or not you found that among the papers of your father after his death? A (Hands letter to witness who examines it) A Yes sir, I found this amongst the papers of my father. He always kept all his own papers, and me looking over them I saw this letter.
Q Has that been in your custody ever since you found it? A Yes sir, if that's the letter that was in the envelope.
Q Well that's what it is, you can tell whether it is or not. (Witness further examines letter) Q That purports to be a letter from Samuel H. Benge, does it not, to your father? A Yes sir. (Here applicants' attorney hands letter and envelope referred to to attorneys for Cherokee Nation.)

BY MR. McKENNON: I want to offer this letter in evidence in this case; it is a letter signed by S. H. Benge, attorney at law, dated Fort Gibson, C. N., Jan. 13, 1883. Addressed to Mr. E. Dawson, Esq., together with the envelope, in which it was enclosed, with the card of C. H. Taylor upon it, attorney at law, Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T., January 17.

BY MR. HUTCHINGS: The Nation objects to the introduction of this letter for the reason that S. H. Benge is living and has testified in this case, and his handwriting should be either proven or denied by himself.

G. W. BENGE, being first duly sworn, and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A G. W. Benge.
Q Are you a son of Samuel H. Benge? A Yes sir.
Q Do youknow his handwriting? A I believe so.
Q Is that his handwriting? (Shows witness letter before referred to.) A Yes sir, it is either his or a resemblance of his.
Q To the best of your knowledge and belief is that his letter?
A Yes sir.

BY MR. McKENNON: Now we offer it in evidence.

BY COMMISSION: (Reading letter)

"Fort Gibson, C. N.,
Jan 13th, 1883.

Mr. E. Dawson, Esq.,

Dear Sir:- I write this note to inform you that your case came off before the Court on Citizenship on the 11th inst, and was decided in your favor, so you all are citizens of this Nation. E. H. Dawson was furnished with a copy of the decision at the court. He will write to you also. You will please send me fifty dollars as my fee in your case according to contract. Send it to Fort Gibson, Cherokee Nation.

Respectfully yours,
S. H. Benge,
Attorney at law."

Enclosed in envelope, as follows:
Card in upper corner, left hand;
"Return in five days to C. H. Taylor,
Attorney at Law,
Tahlequah, Ind. Ter."
Addressed: "E. Dawson,

Henrietta,
Clay Co., Texas."

Post-marked: "Ochiltree, Jan 14 1902 T."

ROBERT L. DAWSON, re-called and further examined, testified as follows:

BY MR. McKENNON:

Q Now examine that and see if that is also a paper which you found among your father's papers after his death? (Hands papers to witness) A That is the same letter that I found.

Q Among the same that you found the same letter? A Yes sir.

BY MR. McKENNON: This is a letter purporting to have been written by J. W. Bryan, to R. Dawson, dated at Choctaw Station, Cherokee Nation, and not dated, which we offer in evidence. (Applicants' attorney hands said paper to Nation's attorneys.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSION: (reads letter)

"Choctaw Station, Cherokee Nation.
I. T., N. P. & T. R. R.

R. Dawson.

Dear Sir:-

I am in receipt of your favor of the 30th inst in regard to our contract.

After I had got the claim so there would be little more to do I employed Campbell Taylor to answer for me when the case came up, for which I was to pay him $20 out of my fee.

This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, or that you was to pay him $100- and that you had offered him a check on some bank in Texas.

That $100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

And I am satisfied that you are apprised of the earnest work I done for you, Please write to me.

Very respectfully,
Very truly,
J. W. Bryan."

Q I will ask you if you know of your father having paid Bryan that money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A No, I don't know whether I know his age or not.

Q If you don't know you can't say? A I wouldn't have no reason to know his age, never asked his his age; of course I guess my mother knew.

Q Never had occasion to talk about his age at all? A Oh I have heard him speaking of his age at different times, but then I never paid enough attention to it.

Sid Graham, being first duly sworn and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A Sid Graham.

Q How old are you? A Mr. Graham? A I am 35 years old.
Q How long have you been living in the Territory? A I came out here in 1887 or '88.
Q To the Cherokee Nation? A Yes sir.
Q How long have you been living in the Cherokee Nation, what year was that '87 or '8? A Yes sir.
Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.
Q How long did you live in the Cherokee Nation? A About 6 years.
Q Where did you go then? A Wagoner.
Q In the Creek Nation? A Yes sir.
Q And been residing there ever since? A Yes sir.
Q In business? A Yes sir.
Q Have you all the while been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q Mr. Graham, do you know Judge Samuel H. Benge? A Yes sir.
Q Did you have a conversation with him in Fort Gibson about September of 1900? A Well as to the exact time I couldn't say, it was sometime about the time that the Dawes Commission were at Sallisaw, or possibly a little later, somewhere about there.
Q Taking the census of the Cherokees? A Yes sir.
Q At that time had the question of the validity of the judgment of the Cherokee citizenship commission admitting Robert Dawson and family been called in question? A Yes sir.
Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.
Q What did he tell you about it; well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A . He did.

BY MR. HUTCHINGS:

Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?
Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.
Q And he told you the judgment was all right? A Having known that Mr. Benge was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I might want his affidavit concerning the matter, and I also I think maybe wrote to him; possibly prior to that, I am not sure as to the writing, but I think possibly I did.
Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would use him in person; he assured me that everything was all right.
Q Your mother was Missouri Dawson was not she? A Yes sir.
Q Her name was Missouri Graham when she was re-admitted to citizenship? A Yes sir.
Q And was not Missouri Dawson as named in that judgment? A Yes sir.
Q Do you know whether the other children named in there had married and changed their names also at the time they were admitted?
A There were not any of them married.
Q Ella Dawson was your aunt? A Yes sir.
Q Was she married at that time? In 1903? A Yes sir.
Q Melvina Dawson, was she married at that time? A Yes sir.
Q And the fourth one you have mentioned, Missouri Dawson, was your mother? A Yes sir.

Q Can you give us the exact date of your birth? A Yes sir.
Q Do so, please? A January 21, 1867.
Q And you came to the territory when? A In 1887 or 1888.
Q You can't name that any more definite? A Well sir, it has been a good while ago, and I didn't have anything to cause me to.
Q Well I just want to know whether you did have or not? A No sir.
Q When were you married? A 1888.
Q You were married prior to coming here? A Yes sir.
Q Your first child born away from her? A Yes sir.
Q What is its name? A John W.
Q So you were married, and he was born about the spring of '87?
A Somewhere in 1887, I don't remember.
Q Prior to your coming here? A Yes sir.
Q That is the only child you had that was born away from here?
A No sir, Julius.
Q Julius was not born in the territory? A No sir.
Q And prior to the time of your removing to the Territory? A Yes sir.
Q These are the only children born out? A Yes sir.

BY MR. McKENNON:

Q Do you know Campbell Taylor? A Yes sir.
Q I will ask you if about February 1901, he came to Wagoner, and sent his son to have you come to the hotel at night where he was, and if he then and there said to you "You people are on the doubtful list, and if you will give me five hundred dollars I will make it all right and see that you are enrolled, and if you don't I will see that you don't get on"? A Well now as to the first part of thatquestion, where you say he sent his son; that is an error; I don't know whether he came to my house or sent some one; when I returned home that evening my wife told me there was some one there to see me, and was at the city hotel at Wagoner, and said come down and see him; I went down there; I never had met Taylor; he introduced himself to me and stated what his business was; asked me if I was on the doubtful list, etc., to which I replied that we were; he asked me if I didn't want to employ him, stating that if we would give him, our family would give him five hundred dollars he would see that we were placed on the rolls all right, but if we refused to give him five hundred dollars that he would use his influence against us and see that we were rejected.
Q You never had met him before, or had any communication with him?
A I never met him before; as to the communication, I may have written him something about his affidavit as to the validity of that judgment, I can't say as to that. He said in his testimony that I did; I don't know whether I did or not now.

BY MR. HUTCHINGS:

Q You knew he was the attorney in the case, originally? A After looking at the records I did.
Q I mean you knew it at the time you wrote to him about the affidavit; that was the reason why you thought he would know something? A Certainly.
Q He never told you he was going to swear against you or threatened to tell anything that was not true? A He just simply said unless we gave him that five hundred dollars he would see we were all cut off the rolls.
Q Said he would use his influence against you, that is what he said? A Yes sir.

BY MR. HASTINGS:
Q You don't deny writing to him then for the affidavit? A I don't say I did or I did not; I neither affirm it or deny the question.
Q You went to Captain Benge and also wrote him with reference to what he knew about the case? A I don't know whether I wrote him or not, I said I was under the impression I wrote his son.
Q You went to see Aaron Butler, who was interpreter before that court that admitted you? A Yes sir.
Q And you went with Aaron Butler to see Jim Smith, attorney before that court? A Yes sir.
Q And you either wrote or went to see everybody you knew of that was [illegible] A Yes sir.
Q That [illegible] considerable activity? A Yes sir, I used such activity as was to my interest.
BY MR. HUTCHINGS:
Q That was all along the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof [illegible] before the Commission had been placed upon a [illegible] card? A Yes sir.
Q They were taken to look up the evidence and see what there was in it? A Yes sir.
Q Is Mr. Hastings [illegible] stated? A That's right.
BY MR. HOLCOMB:
Q You are a grandson of James Dawson? A Yes sir.
Q The old gentleman? A Yes sir.
Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1884, wasn't it? A Yes sir, well I can't be exact as to that.
Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.
Q Well that other James Dawson did you know belonging to the families, either one of these families, Robert Dawson family or the James Dawson family? A I never knew of but two James Dawsons.
Q Who were the others? A Dr. James R. Dawson, who is present and standing right here; my grandfather, James Dawson.
Q Was there in '84 any James R. Dawson 35 or 40 or 45 years old, that you know of, belonging to either one of these families?
A No sir.
Q Do you know how old Dr. James R. Dawson was that that time?
A James Dawson? Q No I am speaking of Dr. James R. Dawson? A Oh, how old he was, no sir, I do not.
BY MR. HUTCHINGS:
Q Do you know who was here attending to your mother's citizenship case at that time, at the time they were admitted? A Yes sir, James Low and Bill Jackson, son of Ellen Jackson.
Q Who was W. A. Dawson? A That is Wilburn, my uncle.
Q Was he here? A I don't know sir.
Q You were not here any of the time? A No sir.
Q You knew your grandfather then, you had lived in the same neighborhood with him? A Yes sir, I knew him well.
Q He didn't die for a year or two after that did he? A After when, Mr. Hastings?
Q After his admission to citizenship? A No sir, he didn't die I think until '91 or '90, several years after.
Q Very old was when he died? A Yes sir.
BY MR. HOLCOMB:
Q About what age? A He was approximately 80 years old.
BY MR. HUTCHINGS:
Q When he died? A Yes sir.

BY MR. MASTERS:

Q That about right? A I think so, yes sir.

BY MR. McCLENDON:

[illegible] subject to the testimony of the witness and to the interrogatories of counsel for the Cherokee Nation, relative to the family, their history, etc, as being [illegible] and incompetent.

[illegible] Lee; being first duly sworn, as both examined [illegible] testified as follows.

BY [illegible]

Q You [illegible] at present A Yes sir.

Q [illegible] A Afton, Indian Territory.

Q [illegible] A 45.

Q You [illegible] A Yes sir.

Q [illegible] family was married in 1894, is uncle of yours? A Yes sir.

Q Do you remember his age was at that time? A No sir, I do not, only [illegible]

Q [illegible] A At the time of the admission?

Q [illegible] A No, I don't know exactly.

Q How old was he when he died? A I would say he was about 78.

Q [illegible] A I am 45.

Q [illegible] A I was born in '68.

Q [illegible] A Yes sir, that's right.

Q [illegible] A In '94?

Q Yes sir? A I did so.

Q Were you present at the time that James Dawson Foreman was admitted at any time while their case was pending before the Cherokee Commission on citizens? A Not while the James Dawson case was, no sir.

Q You were present during your father's case? A I was there at the time.

Q When was that? A The dates I cannot say; when the case first came up. I cannot remember the exact date.

Q How long were you there? A I was there about a week.

Q Was that first or second up you say? A Yes sir.

Q Nothing [illegible]? A No sir.

BY MR. [illegible]:

Q You [illegible] Dr. Baker? A Yes sir.

Q Did he and your uncle Jim do to talk about how they played together when they were boys? A My uncle Jim and Dr. Baker talk?

Q Yes? A I never was [illegible] together.

Q They were about the same age? A Yes sir, I believe Dr. Baker was [illegible] probably.

Q Dr. Baker [illegible] been questioned about his own age? A [illegible] that's all I know about his age.

Q [illegible] rather a decrepit looking man at the time he was here at this citizenship business? A No sir, not until after [illegible].

Q He was quite aged at that? A I couldn't tell you, he was an old looking man.

Q Your uncle Jim was about 70? A Yes sir.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

F. W. HASTINGS, being first duly sworn, and being examined testified as follows:

By MR. RUTHERFORD:

Q State your name? A F. W. Hastings.

Q Residence? A Tahlequah, Age 35.

Q You are attorney for the Cherokee Nation in the general preparation of [illegible] case, are you not, Mr. Hastings?

Q Just state how it is you heard that you subpoenaed Mr. Campbell Taylor, and what occurred between you with reference to his testimony?

A Well there has been here tell, as the testimony here indicates, that there was a scheme framed in the destruction of this family, and by agreement with counsel on the other side, and the Commission, this case was not tried then, but, at length, some short time prior to that, as the attorney for the Nation I began to take some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote C. H. Taylor to come down here. I don't think in that letter that I told him what I wanted with him. I don't think I told him the case that I wanted him to testify for, that is my recollection now. Mr. Taylor prior to that time, neither directly nor indirectly, so far as I know, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I surmised him; perhaps the fact that I knew he had been connected with them in some way and that I thought that would get some information from him. Well he came in response to a letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe we could be compelled to testify, and that is he was put upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length; I asked him what he knew about it; of course he for a long time declined to tell me; and what information I did get from him was by piecemeal. He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him.

Well we talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he established to me the facts just as he told them on the stand; I don't believe there is the slightest variation, except that he perhaps was not so full at that time and it was told by piecemeal, but I got all those facts out of him, or very nearly all those facts out of him. He may have elaborated a little more here by examination; but he never voluntarily gave me any information at all, either directly or so far as I know indirectly. I don't think he sent any one to me. I got his name because I heard he was connected with the case, and perhaps knew something about it, like I did a great many other people, some of whom I didn't bring, because they didn't know what I supposed they did know about the case.

With reference to S. H. Benge, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. C. Starr over to S. H. Benge's place to take his affidavit on Saturday, March 15, in the W. H. and J. W. Shoemake case, and their descendants. I had heard that Mr. Benge knew some important facts in connection with the Shoemake case and I sent him over there then to take that affidavit; and when Mr. Starr came back he told me that he knew some facts also in connection with these other cases, and I was surprised to find he had instead of one affidavit in the Shoemake case, that he also had another affidavit in the Dawson case. That is the first information I had that Mr. Benge knew anything whatever in connection with the Dawson case, and therefore he never voluntarily, either directly or indirectly gave any information prior to that time to me.

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not seeking anything else but the truth, and didn't want him to tell anything else but the truth.

I want to say again that after he was on the stand and left that evening, and after Captain McKennon, or counsel for the family, had indicated his willingness for Mr. Taylor to testify, that he went over all of these facts that he testified to on the stand subsequent to that time in the presence of J. C. Starr in my office. I simply wanted to go on the stand for the purpose of showing that Mr. Taylor hadn't voluntarily given me any information, and

I make this statement for that purpose.

BY MR. McKENNON:

Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the persuation that I brought to use.

Q He therefore did it simply upon your persuation? A Yes sir.

Q You knew he had been acting as attorney for these parties?

A Yes sir, I had seen from the record that he did too.

Q And he told you so? A Yes sir.

BY COMMISSION: The attorneys for the applicant and the representatives of the Cherokee Nation will be granted thirty days from the receipt of the transcript in this case in which to file a brief in this case with the Commission.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(signed) M. D. Green.

I, Arthur C. Evans, being duly sworn, depose that I am stenographer to the Commission to the Five Civilized Tribes; I copied the foregoing, and that the same is a true and complete copy of the original.

Arthur C. Evans

Subscribed and sworn to before me this 14th day of December, 1908.

(COPY)

Refer in reply to the following:
Land 13658-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, October 16, 1903.

Cherokee Enrollment
Francis M. Dawson, et al., Group 13.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to office report of even date transmitting the record relative to applicants, parties to Group 1 of the Francis M. Dawson Consolidated Case, there is enclosed herewith the record relative to the applicants involved in Group 13.

D 521, Group 13, page 1.

Lula Pearl Weddle applies for enrollment of herself and her minor children, Curtis and Morris O. Weddle, as citizens by blood and for the enrollment of her husband, Hiram F. Weddle, as a citizen by intermarriage. She also applies for the enrollment of Roy Weddle who was born subsequent to the date of her original application. He is properly identified by a birth affidavit.

D 522, Group 13 page 8.

William D. Douthitt applies for the enrollment of himself as a citizen by blood.

D 543, Group 13, page 9.

Alonzo M. Fishback applies for the enrollment of himself

as an intermarried citizen, and for the enrollment of his wife, Laverne A. Fishback, and their minor children, William A. and Annie B. Fishback, as citizens by blood.

D 737, Group 13, page 19.

Elbert L. Morgan applies for the enrollment of his wife, Florence Morgan, and their minor child, Clide, as citizens by blood. He also applies for the enrollment of Alice A. Morgan, his minor child, born subsequent to the date of his original application. This minor is identified by a birth affidavit.

D 845, Group 13, page 24.

John E. Fishback applies for the enrollment of himself as a citizen by blood.

D 979, Group 13, page 27.

George A. Mabry applies for the enrollment of himself as an intermarried citizen and for the enrollment of his wife, Edna Mabry, and their minor children, Roby and Charlie Mabry, as citizens by blood.

December 23, 1902, the Commission found that all of the applicants above named, except George A. Mabry, were entitled to enrollmenr as citizens of the Cherokee Nation. Hiram F. Weddle and Alonzo M. Fishback as citizens by intermarriage and the others as citizens by blood.

The parties to this group claiming the right to enrollment are related to the Dawsons but they do not claim the right to

enrollment by reason of such relationship. The evidence in this case shows that Hiram F. Weddle was married September 13, 1884, under a Cherokee license, to Lula Douthitt (Group 13, page 1). Lula P. Weddle, nee Douthitt, was admitted to citizenship in the Cherokee Nation by the Spears Court, September 13, 1884. The decision of this Court admitting her is as follows:

And now on this the 13th day of September, 1884, comes this case for final hearing and all the evidence in the case having been carefully read and considered by the Commission on Citizenship it has been decided by the Commission that the above named Lula Douthett and Dallas Douthett are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

Eli Spears, pres.
John Lee,
Andrew Young,
Commission on Citizenship.

John L. Adair,
Clk Com'n.

Hiram F. Weddle and his wife are identified by the 1896 roll. Lula P. Weddle has lived in the Cherokee Nation since 1884.

William D. Douthitt (Group 13, page 8) is a brother of Lula P. Weddle and was admitted to citizenship in the Cherokee Nation by the Spears Court September 13, 1884. He is identified by the census roll of 1896 and the record shows he has lived in the Cherokee Nation since he was admitted to citizenship.

Leverna, or Verena, Fishback, nee Dawson, (Group 13, page 9) is a daughter of Jasper Dawson, who was admitted to citizenship January 11, 1883. She was first married to Alonzo M. Fishback in 1887, in accordance with the laws of Texas. May 17, 1893, they were re-married in accordance with the laws of the Cherokee Nation. Leverna Fishback does not, however, claim right to enrollment by reason of the admission of her father but by reason of her own ad-

mission on December 1, 1894. The act of the national council admitting her and others to citizenship is as follows:

Senate Bill No. 16.

Be it enacted, by the National Council, that M.A. Pelsmd, Edna Mabry, Kittie Flournoy, Verena Fishback, M.C. Taylor and Elmer Cox, together with their families, be, and are hereby entitled to all the rights and privileges as are enjoyed by the rest of the members of their families who are citizens of the Cherokee Nation by blood, and all of whom are now residents of Coowescoowee district.
Passed by the Senate November 27th, 1894.
Roach Young, President Senate.
J.C. Starr, Clerk of senate.
Concurred in by Council November 28th, 1894.
V. Gray, Speaker of Council Pro tem.
J. W. Dick, Clerk of Council.
Approved December 1st, 1894, C. J. Harris, Principal Chief, C.N.

Alonzo M. Fishback, and the persons for whom he applied are identified by the Cherokee census roll of 1896. His wife is also identified by the Cherokee pay roll of 1890. The Fishback family has lived in the Cherokee Nation since 1883.

Elbert L. Morgan, (Group 13, page 19) is the husband of Florence Morgan, nee Flournoy, who is the daughter of Kitty Richardson, formerly Flournoy, nee Dawson. Mrs. Richardson was admitted to citizenship in the Cherokee Nation by the National Council December 1, 1894, under the name of "Kittie" Flournoy. The members of her family were also admitted by this act.

John E. Fishback (Group 13, page 24) is a son of Leverna A. Fishback who was admitted to citizenship in the Cherokee Nation by act of the national council of December 1, 1894. His mother was admitted under the name of "Verena" Fishback.

Edna Mabry (Group 13, page 27) was married to George A. Mabry December 11, 1884, in accordance with the laws of the State of

Arkansas. She and her husband claim to have been married in 1869 under the laws of the Cherokee Nation. The record contains no evidence as to this latter marriage except the testimony of the applicants. Edna Mabry is a daughter of Robert and Nancy Dawson. Robert was admitted to citizenship in the Cherokee Nation January 11, 1883. Edna Mabry, however, does not base her right to enrollment on her father's admission. The record shows that she and the members of her family were admitted to citizenship by act of the national council approved December 1, 1894.

In view of the foregoing the office is of the opinion that the decision of the Commission with reference to the parties to this group is correct and should be approved except in so far as it relates to the enrollment of Miram F. Weddle and Alonzo M. Fishback who are applicants for enrollment as citizens by intermarriage and to George A. Mabry who is an applicant for enrollment as an intermarried citizen whose enrollment has been denied by the Commission. The approval of the Commission's decision, except as to the parties mentioned, is recommended, and attention is respectfully invited to office report of even date transmitting Group 1, of this consolidated case.

August 31, 1903, Kimball & White, attorneys of this city, filed a brief and argument relative to the right of George A. Mabry to enrollment as an intermarried citizen. In their letter it is stated that a copy of the brief was forwarded to the attorney for the Cherokee Nation.

September 23, 1903, (I.T.D. 3815), the Department forwarded to this office the reply of the Cherokee Nation to the brief above mentioned. May 23, 1903, (I.T.D. 4651), the Department transmitted to this office a motion for a new hearing with reference to the right of George A. Mabry to enrollment.

August 4, 1903, Kimball & White, filed a motion "for review and recommitment" to the Commission of this group in so far as it relates to the right of George A. Mabry to enrollment as an intermarried citizen.

The evidence does not show that George A. Mabry and his wife, Edna Mabry, have been married in accordance with the laws of the Cherokee Nation. Mabry testifies that they were so married but he did not furnish a copy of the marriage license or of the record of the Cherokee Nation pertaining to such marriage. In order that no injustice may be done this applicant, the office believes that the case, so far as he is concerned, should be returned to the Commission in the event the Court of Claims finds that intermarried citizens are entitled to enrollment and to participate in the distribution of the Cherokee estate.

It is not believed, however, that the case should be returned until after the Court of Claims shall have made its findings and rendered an opinion on the question submitted to it by the Department February 24, last.

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Attention is respectfully invited to the fact that the act of December 1, 1894, admitted to citizenship in the Cherokee Nation Edna Mabry, among others, "together with their families." George A. Mabry and Edna Mabry were married prior to the date of said act and it may be possible that George A. Mabry was admitted to citizenship in the Cherokee Nation December 1, 1894, by reason of the fact that his wife and the members of her family were admitted to citizenship. However, as he has applied for enrollment as an intermarried citizen the office does not consider it necessary to discuss this point but invites attention thereto.

Very respectfully,

W. A. Jones,

Commissioner.

G.A.W. (B).

D.C. 10512-1904.

LRS JP

I.T.D 7443-1903. DEPARTMENT OF THE INTERIOR, FHR
7482- J.W.M.

WASHINGTON.

March 31, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 25, 1903, you transmitted the record in the matter of the application of Francis M. Dawson et al., for enrollment as citizens of the Cherokee Nation. In your decision of December 23, 1902, you disposed of the applications in the Dawson case by groups. In this letter Group XIII, as disposed of by you will be considered.

This group includes these applications designated by you as D. 343, D 521, D 737, D 843 and D 979.

Title D 343 refers to the application of Alonzo M. Fishback for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Leverna A., and his minor children William A. and Annie B. Fishback, as citizens by blood of the Cherokee Nation. It appears that the said Alonzo M. Fishback was married May 17, 1893, in accordance with the laws of the Cherokee Nation to Leverna A. Dawson, to whom he was previously married in the State of Texas, according to the laws thereof in 1877. She was admitted to citizenship in the Cherokee Nation by the

by the act of the National Council approved December 1, 1894, under the name of Verema Pinkbeck.

All the members of this family are identified upon the 1896 roll. Leverna Pinkbeck is also identified upon the pay roll of 1890. The father and mother have resided in the Cherokee Nation since 1883.

Title D 881, refers to the application of Lula Pearl [redacted] for the enrollment of herself and her minor children Curtis Morris O., and Roy Weddle, as citizens by blood, and for the enrollment of her husband, Hiram F. Weddle, as a citizen by intermarriage of said nation. It appears that Lula Pearl Weddle, formerly Lula Pearl Douthitt, was admitted to citizenship in the Cherokee Nation by decree of the Spears Court dated September 13, 1884. She has resided in the Cherokee Nation since 1884, and is identified upon the 1896 census roll. Her children named above are identified by birth affidavits.

Title D 737 refers to the application of Elbert L. Morgan for the enrollment of his wife, Florence, and his minor children, Clide and Alice A. Morgan, as citizens by blood of said nation. It appears that the said Florence Morgan is the Florence Flourney referred to under title D 785, which was disposed of by you in Group xii. She was admitted to citizenship December 1, 1894, with her mother, Kitty Richardson, formerly Flourney as a member of her family. She has resided in the nation since 1894. Her children, Clide and Alice A. Morgan, are identified by birth affidavits.

Title D. 845 refers to the application of John H. Fishback for the enrollment of himself as a citizen by blood of said Nation. This applicant is a son of the Loverna Fishback who was admitted to citizenship on December 1, 1894, and was a minor at that date. He is identified on the census roll of 1896 and has resided in the Nation since 1894.

Title D. 979 refers to the application of George A. Mabry for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Edna, and his minor children, Roby and Charlie Mabry, as citizens by blood of said nation. The principal applicant was married to Edna Dawson in Arkansas, in 1884. Subsequently, it is claimed, they married in the Cherokee Nation, in accordance with the laws thereof, in 1889. The testimony is not clear as to whether or not George A. and Edna Mabry were married in accordance with the Cherokee law. They were married, however, at the date of her admission by the National Council, viz: December 1, 1894, to Cherokee citizenship, her name appearing therein as Edna Mabry. She is identified on the strip payment roll of 1894, and has resided in the nation with her husband since 1884. Their children, Roy and Charlie Mabry, were minors at the date of their mother's admission.

The attorneys for Mabry hasfiled a motion for a rehearing in his case, supported by a brief. Both motion and brief have been duly served upon the attorney for the Cherokee Nation. The latter has filed a reply thereto. The purpose of said motion is to secure a rehearing in order to establish that George A. Mabry

was married in accordance with the laws of the Cherokee Nation.

In said decision of December 23, 1902, you held that all of the applicants are entitled to enrollment except George A. Mabry.

Reporting in reference to this group on October 16, 1903, the Commissioner of Indian Affairs recommended that your decision be approved, except in so far as Hiram F. Weddle, Alonzo M. Fishback, and George A. Mabry are concerned, who are classified as applicants claiming by intermarriage. The Commissioner is of the opinion that George A. Mabry should have an opportunity to show that his marriage with Edna Dawson was performed in accordance with the Cherokee law. He does not believe, however, that the case should be returned until after the Court of Claims has rendered its opinion submitted to it by the Department on February 24, 1903. He calls attention, however, to the act of December 3, 1894, which reads as follows:

"Senate Bill No. 15.

Be it enacted by the National Council, that M.A. Foland, Edna Mabry, Kittie Flournoy, Verena Fishback, M.C. Taylor and Edner Cox, together with their families, be and are hereby entitled to all the rights and privileges as are enjoyed by the rest of the members of their families who are citizens of the Cherokee Nation by blood, and all of whom are now residents of Coowescoowee district.

Passed by the Senate November 27th, 1894.

Roach Young, President Senate.

J.C. Starr, Clerk of Senate.

Concurred in by the Council November 28th, 1894.

V. Gray, Speaker of Council, protem.

J. F. Dick, Clerk of Council.

Approved December 1st, 1894.

C. J. Harris, Principal Chief, C.N."

and states that it is possible that George A. Mabry was admitted to citizenship by the force of said act. In view of the fact that Mabry applied for enrollment as an intermarried citizen, the

Commissioner considers it unnecessary to discuss his rights under said act of the National Council.

It should be noted in this connection, that if the act is applicable to Mabry, it also refers to Alonzo M. Fishback.

Title D. 822 refers to the application of William D. Douthitt for the enrollment of himself as a citizen by blood of said Nation. He was admitted to citizenship by the National Council september 13, 1884, and is identified on the census roll of 1896. Since 1884 he has resided in the nation.

The Department concurs in your decision as to those applicants who claim enrollment by blood. Respecting those claiming by intermarriage, action will be deferred until a decision shall be rendered by the Court of Claims concerning the rights of intermarried persons to enrollment in the Cherokee Nation.

A copy of Indian Office letter of October 16, 1903, relating to this group, is inclosed.

Respectfully,

(signed) Thos Ryan

Acting secretary.

1 inclosure?

CHEROKEE 10769

Edna Mabry et al.

For record in this case,
see Cherokee 12 979,
George V. Mabry et al.

END
OF
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